



**IMPLEMENTING LANGUAGE POLICY FOR DEAF STUDENTS FROM SPANISH-  
SPEAKING HOMES: THE CASE OF AGENTS IN A TEXAS SCHOOL DISTRICT**

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## **DEDICATION**

*This thesis is dedicated first and foremost to María Hernández and Sammy who inspired this journey. And to all Spanish-speaking parents of deaf children and educational service providers—may we always remember the power of one person to make a difference in the lives of many!*

## **DEDICATORIA**

*Dedico esta tesis primeramente y sobre todo a María Hernández y Sammy quienes inspiraron esta aventura. También a todos los padres de niños sordos de habla hispana y a los proveedores de servicios educativos – ¡ojalá que nunca se olvide el poder que tiene una sola persona para impactar la vida de muchos!*

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by

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THESIS

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# **IMPLEMENTING LANGUAGE POLICY FOR DEAF STUDENTS FROM SPANISH-SPEAKING HOMES: THE CASE OF AGENTS IN A TEXAS SCHOOL DISTRICT**

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Language policy implementation is a complex, multilayered process that produces both planned and unplanned outcomes. Understanding the policy implementation process can be achieved by identifying the agents, layers, and processes of language planning and policy activities, analyzing the layers independently, and examining the relationships among the layers. With respect to deaf education policy, such a multidimensional approach calls for attention to federal, state, and district guidelines as well as to how individuals act as policy-implementing agents when determining appropriate educational contexts for deaf students. Considering these dimensions, this thesis begins by explicating how U.S. special education policy functions as *de facto* language policy for deaf students. A textual analysis of the Individuals with Disabilities Education Improvement Act of 2004 is presented highlighting ways in which agents can pry open implementational space that promotes multilingual, multimodal education. Turning to implementation in local contexts, I draw on data from a multi-sited, qualitative case study of a Texas school district to show how individuals (un)knowingly act as policy-implementing agents and how their beliefs about language and education policy influences the degree to which they open up multilingual, multimodal ideological and implementational space within deaf education policies. Implications for deaf students' access to multilingual, multimodal educational environments are discussed, illuminating how deaf students' language acquisition is influenced by the educational contexts within which they are placed.



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## CHAPTER 1

### INTRODUCTION

“TESOL supports multilingualism and the right to advanced literacy in both native and second languages. In the case of Deaf students, TESOL recognizes and supports Deaf learners’ right to become proficient in a signed language or written or spoken language(s), including English....TESOL supports individual language rights and an accessible high-quality education for all learners of English, including Deaf students. TESOL advocates that adequate support and resources be allocated for bilingual education programs, including programs for Deaf students that utilize a native signed language.”

(TESOL, Inc., 2009)

“The history of deaf education can be summarized as a debate over the best way to help deaf and hard of hearing children participate in society. What language should be used to teach them? What language should they use to communicate? How should deaf children be taught how to read and write?”

(Laurent Clerc National Deaf Education Center)

In recent years, the scope of inquiry within the field of applied linguistics has broadened to include the investigation of multilingualism within multimodal (signed language and spoken language) environments. Teachers of English to Speakers of Other Languages, Inc. (TESOL, 2009) recently issued a position statement advocating for deaf<sup>1</sup> students’ rights to become proficient in both signed language and in a written or spoken language. Furthermore, TESOL advocates for bilingual education programs for deaf students wherein signed language is used and a multilingual, multimodal environment is fostered. Ultimately, this thesis is concerned with how the placement of deaf students in various educational contexts directly impacts deaf students’ linguistic development, most notably their mastery of English as a second language.

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<sup>1</sup> I use the term “deaf” in this thesis to refer to individuals with hearing loss who use signed language as their primary mode of communication.

While deaf education advocates, teachers, administrators, and policy makers continue to debate the effectiveness of various educational contexts in fostering deaf children's language and academic development, the discussion has also turned to how these issues apply to deaf students from Spanish-speaking homes.

The number of deaf students from Spanish-speaking homes in grades K-12 in the U.S. is rising rapidly. According to Gallaudet Research Institute (2008), between the school years 1999-2000 and 2007-2008, the number of Latino deaf students *increased* by over 9%, accounting for almost 30% of all deaf students within the U.S. For that same time period, the number of White deaf students *decreased* by 6% (Gallaudet Research Institute, 2008). In Texas, nearly half of the deaf student population is Latino (Gallaudet Research Institute, 2008). This presents schools with unique educational and language policy and planning issues to consider. Oftentimes this population brings language and cultural experiences which often differ from those found in the public school system<sup>2</sup> (Fischgrund, 1984, pp. 98-99). As such, educational service providers face questions such as "In what language(s) should Latino deaf student be educated?" and "How do we include parents in this decision-making process?"

The types of educational services provided to deaf students influence their linguistic and cultural development (Erting, 1974, pp. 142-144). For example, a deaf student who is placed in a classroom with hearing classmates and provided a sign language interpreter will experience linguistic and cultural development differently from a child who is placed in a deaf education program that is taught by a deaf teacher (Ramsey, 1997). The decision as to which classroom a deaf child is placed is heavily influenced by educational policies and the recommendations of educational service providers (Steinberg, Bain, Li, Delgado, & Ruperto, 2003, p. 292).

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<sup>2</sup> Gallaudet Research Institute (2008) reports that 75% of Latino deaf students come from homes where Spanish is spoken.

Accordingly, the present case study explores the experiences of educational service providers and Spanish-speaking parents in selecting and securing educational services for deaf students by bringing to light the policies that influence the educational services available to deaf students from Spanish-speaking homes at Moore Middle School. Additionally, this study investigates the experiences of educational service providers and Spanish-speaking parents in negotiating the competing discourses in place regarding the process of securing educational services for deaf students and the educational placements that are most appropriate.

### **Research Questions**

With the recent increase in the number of deaf children from Spanish-speaking homes entering the public school system both in Texas and throughout the U.S. and with forecasts indicating the numbers will continue to rise, exploring and documenting the experiences of educational service providers and Spanish-speaking parents engaged in the process of securing educational services for deaf children will contribute to the body of research that aims to better understand how individual agents within local contexts implement federal special education policy and how placement decisions influence the degree to which deaf children gain access to multilingual, multimodal educational contexts. As such, this exploratory case study documents the relationships among the policy texts, educational service providers, and Spanish-speaking parents of deaf children by asking the following three research questions:

1. How are relationships among federal, state, and local policies reflected in the services provided to deaf children at Emerson Independent School District?
2. How do educational service providers at Moore Middle School experience the process of engaging Spanish-speaking parents in learning about and securing educational services for deaf children?



3. How do Spanish-speaking parents experience the process of learning about and securing educational services for their deaf children at Moore Middle School?

The lens through which these questions are examined is shaped by an ecological orientation to language policy and planning<sup>3</sup> (Hornberger & Hult, 2008; Hult, 2010; Ricento & Hornberger, 1996). An ecological approach to LPP considers the inter-relationships among languages, social contexts of language, and individual speakers and their languages (Hornberger & Hult, 2008, p. 282; Ricento & Hornberger, 1996). Nexus analysis is an ethnographic approach to studying social actions, individuals' experiences, social actors' relationships to each other and the context in which social actors find themselves, in addition to circulating discourses within these contexts. Taking up an ecological conceptual orientation and employing discourse analytic tools will allow for a thorough exploration of the multilayered and multifaceted LPP system at Emerson Independent School District as set forth in the research questions guiding the present study.

## **Chapter Overview**

Chapter 2, *Negotiating Educational Services in Deaf Education*, begins with a historical overview of special education in the U.S. , situating the creation and implementation of the federal education policy that governs deaf education, namely, the Individuals with Disabilities Education Improvement Act, within the sociopolitical climate of 1975 when the legislation was initially passed. Next, the major provisions of the federal education policy are presented and discussed in relation to deaf education. Finally, research documenting the experiences of educational service providers and parents involved in the implementation of federal education policy is presented, highlighting Spanish-speaking families' beliefs about deafness and language.

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<sup>3</sup> Hereafter LPP. See Appendix E for acronyms used in this thesis.

Chapter 3, *An Ecological, Discourse Analytic Approach to Investigating Multilayered LPP Processes* sets forth the conceptual orientation and analytic tools employed in the present study. To begin, I argue that an ecological approach to investigating multilayered LPP processes is a conceptual orientation concerned with examining the interactions of languages, their users, and the environments in which speakers interact. As such, I suggest an ecological orientation is especially well suited to examine the relationships between macro level discourses about multilingualism and individuals' beliefs about and usages of language in local contexts. Coupled with an ecological orientation, nexus analysis calls for specific methodological tools to uncover discourses embedded within the different layers of the linguistic landscape, paying particular attention to the tensions that exist between discourses in place that are present within the policy texts.

In chapter 4, *Implementing Language Policy for Deaf Students at Emerson ISD*, I turn the ecologically-shaped lens to explore the relationships between the policy discourses at the federal level, and how agents within the state, district, and campus layers take up or ignore these discourses. Furthermore, I demonstrate how agents within the state, district, and campus layers open up or close down implementational space within policy texts to promote multilingual educational contexts for deaf students. Additionally, I show how agents' beliefs about language and education policy influence the ways in which they implement deaf education policy. I then use the lens to examine the experiences of educational service providers and Spanish-speaking parents in securing educational services for deaf students and how the policy implementation process is influenced by discourses in place.

In chapter 5, *Conclusion*, I set forth the salient themes that emerge from the research data. I argue that while dominant discourses in place suggest that policies are inflexible, individuals

can and do carve out ideological and implementational space within the policy texts to take up less dominant discourses that support multilingual, multimodal educational contexts for deaf students. Implications for policy and practice are presented and discussed. Future research directions are suggested.

## CHAPTER 2

### NEGOTIATING EDUCATIONAL SERVICES IN DEAF EDUCATION

“The native language of many persons who are deaf, American Sign Language,...plays a vital role in the education of many children who are deaf. However, a bureaucratic gap exists between the protection afforded to members of minority groups who use a language other than English and the protection granted to students who are deaf who use ASL.”

(Commission on Deaf Education, 1988, p. 8)

“...the way a policy operates or functions in a society is strongly conditioned by the covert aspects of its linguistic culture.”

(Harold B. Schiffman, 1996, p. 27)

#### Introduction

Selecting and securing educational services for deaf children from Spanish-speaking homes can be conceptualized as a multilayered process involving several key components: language and education policy, parent-educational service provider interactions, and families' views on deafness and language. First, language and education policy create the legal framework within which the educational services exist and interact. Second, school officials interpret and implement the policies within the framework and in accordance with local policies. Next, parents consult with school officials to enquire about the various services available for their deaf children. Then, with the policies, interpretations, and considerations in hand, school officials and parents select the services that are best suited to meet the linguistic and educational needs of deaf children. This multilayered process is heavily shaped by federal policy.

This chapter begins with a discussion of the Individuals with Disabilities Education Improvement Act of 2004,<sup>4</sup> the federal language and education policy that governs deaf

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<sup>4</sup> Hereafter IDEA.

education. Under IDEA, all children with disabilities are granted the right to a free appropriate public education in the least restrictive environment. After presenting the impact of IDEA on deaf education, I review current research that investigates interactions between educational service providers and parents in determining the most appropriate educational services for deaf students. The research findings indicate that factors such as differing perspectives on collaboration and access to information and services influence the interactions between educational service providers and parents. Finally, I highlight research that documents families' views on deafness and language, underscoring the role that culture plays in shaping families' perspectives.

### **Language and Education Policy in Deaf Education**

IDEA is the most significant federal law governing deaf education in the United States.<sup>5</sup> This policy creates the legal framework within which special education services exist and interact. This section explores the key components of IDEA that influence deaf education. To begin, an historical overview of events leading up to the enactment of IDEA is presented. Next, the following tenets of IDEA are discussed: free appropriate public education, least restrictive environment, and individualized education plans.

#### **Historical Overview**

IDEA was initially passed as the Education for All Handicapped Children Act<sup>6</sup> in 1975 on the heels of the Civil Rights movement. Two decades earlier the United States Supreme

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<sup>5</sup>According to the U.S. Department of Education's Office of Special Education Programs, IDEA and the Rehabilitation Act of 1973 are the two policies that govern special education (U.S. Department of Education, Special Education and Rehabilitative Services Policy website).

<sup>6</sup> Hereafter EAHCA.

Court ruled in *Brown v. Board of Education of Topeka, Kansas* (1954) that separate but equal treatment of racial minorities is inherently unequal and, therefore, unconstitutional (Johnson, 2000, p. 7). This decision paved the way for integrating children with disabilities into public school classrooms. Soon after the Supreme Court's ruling, parents and advocates of children with disabilities began to file suit against states for discriminating against children with disabilities by prohibiting them from attending public schools (Turnbull, Turnbull, Shank & Leal, 1999, p. 16). In 1972, parents and advocates of children with disabilities argued in *Pennsylvania Association for Retarded Children [PARC] v. Commonwealth of Pennsylvania* (1972) that the *Brown* standard prohibiting racial segregation should also apply to the practice of segregating children on the basis of a disability (Keogh, 2007, p. 66). The Supreme Court sided with *PARC*, upholding that a separate education is "inherently unequal" and ruled that students with disabilities have the right to an education alongside nondisabled students in public schools (Johnson, 2000, p. 7; Ramsey, 1994, p. 43). As a result of the Supreme Court's ruling, schools are required to provide a free appropriate education to children with disabilities (Fleischer & James, 2001, p. 184).<sup>7</sup>

At the time of the *PARC* ruling, at least 1.75 million children with disabilities were denied access to education (about one in five students with disabilities) and 200,000 children with disabilities were living in state institutions (Legislative History, 1975, as cited in Johnson, 2000, pp. 7-8; U.S. Department of Education, 2007, pp. 3-4). In an effort to eliminate discrimination against children with disabilities through exclusion from public school or inadequate instruction and services (and to comply with the *PARC* decision requiring children be provided a free appropriate education), Congress passed EAHCA in 1975 (Marschark, 2007, p.

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<sup>7</sup> See also *Mills v. Washington, D.C. Board of Education* (1972) as the Supreme Court also ruled in that case that children with disabilities have a right to a free appropriate education. For a thorough review of the history of the disability rights movement in the U.S., see Fleischer and Zames (2001).

140). It has since been reauthorized several times and renamed the Individuals with Disabilities Education Improvement Act.

Three specific tenets of IDEA shape the educational framework for special education. First, schools receiving federal monies are required to provide a free appropriate public education to all children with disabilities while providing a continuum of alternative placements and related services tailored to meet a child's individual needs (Fiedler, 2001, p. 56; Johnson, 2000, p. 5; U.S. Department of Education, 2007, p. 4). Second, children with disabilities are to be educated in the least restrictive environment in a setting as close to the home of the child as possible (Marschark, 2007, p. 140). Third, yearly individualized education plans<sup>8</sup> are to be developed for children who receive special education services (Turnbull, Turnbull, Shank & Leal, 1999, pp. 27-29). Deaf children fall under the purview of special education; thus, the requirements set forth in IDEA apply to them as well.

### **Free Appropriate Public Education**

All children with disabilities, regardless of the type or severity of the disability, are guaranteed an education that is free and appropriate under IDEA. As part of a child's right to a "free appropriate public education,"<sup>9</sup> schools are charged with determining the needs of each student and creating an educational plan that meets those needs (Johnson, 2000, pp. 12-13). If the school does not have a program that supports the student's needs, the school is required to either establish a program or provide a way for the student to participate in a program that is already in place at another campus or district (Johnson, 2000, p. 12). IDEA mandates that both

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<sup>8</sup> The legislation uses the term "individualized education programs" rather than "individualized education plans" (IDEA, 2004, Title 1, Part B, § 614). However, much of the special education literature uses the latter term, so I will use it here as well.

<sup>9</sup>Hereafter FAPE.

school officials and parents take part in determining the “appropriateness” of the program or service offered to a child (Coots, 2007, p. 33). If parents disagree with school officials’ recommendations for services offered to a child, IDEA grants parents the right to dispute educators’ decisions through an appeals process and, if necessary, in court. Consequently, IDEA has been challenged more than any other federal education law (Manasevit & Maginnis, 2005, p. 4).<sup>10</sup>

### **Challenges to FAPE.**

The first case challenging IDEA heard by the Supreme Court involved a deaf child. Amy Rowley was entering first grade; her parents, who were also deaf, requested that Amy be provided a sign language interpreter (Siegel, 2008, pp. 5-6; Turnbull et al., 1999, p. 27). The school refused. Rather, they determined that a hearing aid, speech therapy services, and a tutor were appropriate accommodations to ensure Amy’s success in the classroom. The school further contended that providing a sign language interpreter was unnecessary because Amy had successfully completed kindergarten by relying on lip-reading alone (Turnbull et al., 1999, p. 27). Both the federal district court and the federal appellate court ruled that Amy should be provided a sign language interpreter so she could fully access communication with her teacher and peers and thus have the opportunity to “achieve her full potential commensurate with the opportunity provided to other children” (Siegel, 2008, p. 6).

The school appealed to the Supreme Court in *Board of Education of Henrick Hudson Central School District v. Rowley* (1982). In its landmark decision, the Supreme Court determined that FAPE “did not require school districts to provide educational programs that maximized the potential of students with disabilities,” overruling the lower courts’ decisions

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<sup>10</sup> See Siegel (2008) for an extensive review of cases challenging IDEA.



(Manasevit & Maginnis, 2005, p. 4). The Supreme Court interpreted FAPE to mean that (a) “the child benefits educationally from the instruction,” (b) “the instruction meets the state’s educational standards and approximates the grade levels used in the state’s regular education standards,” and (c) “the education program is reasonably calculated to enable the child to achieve passing marks and advance from grade to grade” (Manasevit & Maginnis, 2005, p. 4). Because Amy had successfully completed kindergarten without an interpreter, the Supreme Court concluded that she was receiving an “appropriate” education. Through this decision the court interpreted IDEA to mean that students with disabilities have “a right to an *appropriate education*, but *not* to the *best education possible*” (Turnbull et al., 1999, p. 27; italics original).<sup>11</sup>

While the Supreme Court’s decision handed down in *Rowley* centered on the definition of an “appropriate” education, Siegel (2008, p. 7) contends that the Supreme Court failed to recognize and address the more fundamental issues of the case; namely, Amy’s “right to the free flow of information in her classroom” and her “right to have access to surrounding communication,” the same rights that her peers who can hear enjoy. Underlying these more fundamental issues is a child’s “*right to communication and language*,” or in other words, “the right to *access and develop language*” (Siegel, 2008, p. 8; italics original). In Muhlke’s (2000) view, the Court’s failure to address the issues of access to language and linguistic development was due to its philosophical view of deafness and disability. Rather than viewing deaf children as members of a linguistic minority, the Court viewed Amy as a “child with limited abilities who should be proud that she did comparatively well despite her handicap” (Muhlke, 2008, p. 757). The *Rowley* case did bring to light, however, the range of services that are available to children who fall under the purview of special education.

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<sup>11</sup> Lower courts have used the Supreme Court’s interpretation of “appropriate” in *Rowley* as being different from the “best education possible” in determining how they rule on cases challenging FAPE (see *O’Toole v. Olathe District Schools Unified School District*, 1998; *Springdale v. Grace*, 1982)

### **Continuum of placements.**

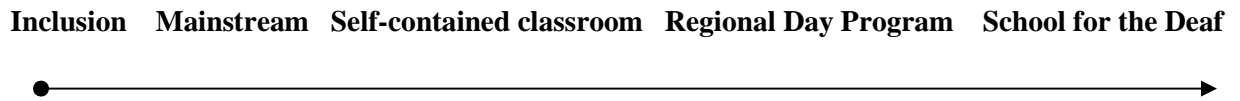
IDEA requires that schools offer a continuum of services (or “a continuum of alternative placements”) for children with disabilities (Fiedler, 2001, p. 56). In Amy’s case, the school determined that a hearing aid, a tutor, and speech therapy sessions were appropriate services (Turnbull et al., 1999, p. 27). Deno (1970) proffered one of the first models outlining the various educational contexts and services within special education.<sup>12</sup> Deno places a regular education classroom at one end of the continuum and a residential setting at the opposite end; other options along the continuum include supplementary instructional services provided to students in the regular classroom (such as the services provided to Amy), part-time special classes, full-time special classes, special stations, and homebound settings. Deno’s model became “the blueprint for the continuum of placement options that is an integral part of federal and state special education law and practice” (Turnbull et al., 1999, p. 15).

While Deno’s blueprint serves as a model for all of special education, educational contexts for deaf children can be mapped onto a continuum like the one in Figure 2.1. At one end of the continuum are inclusion settings while schools for the deaf are placed on the opposite end. The further one moves to the right of inclusion on the continuum, the more amount of time a student spends outside of the regular education classroom. While all of the placement options are acceptable under IDEA, IDEA requires that a child, to the maximum extent possible, be placed in the least restrictive environment (Manasevit & Maginnis, 2005, p. 48). This is

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<sup>12</sup> Deno’s model (1970) was originally presented as a “cascade of services” that used an inverted triangle to represent the types of services available in special education and the number of students in each setting. The model places general education classrooms at the top of the inverted triangle (with more students being placed in this setting) and special classes and residential settings placed at the bottom of the triangle (with fewer students present). Since the enactment of IDEA in 1975, the terminology more commonly used when describing cascades or other placement option models is “a continuum of services” as this is the term used in the federal regulations set forth by the Office of Special Education Programs (OSEP).

interpreted to mean an environment as close to a regular education classroom (or an “inclusion” setting) as possible (Stinson & Foster, 2000, p. 196).



*Figure 2.1.* Continuum of placement options in deaf education (adapted from Cerney, 2007, p. xiv)

In an inclusion setting, deaf students are “included” 100% of the time in a regular education classroom.<sup>13</sup> Students in mainstreamed settings are “semi-included,” in that they attend both general education classes with hearing students for some subjects as well as attend classes in self-contained classrooms with other deaf students (Marschark, 2007, p. 146). Depending on a student’s needs, support services such as a sign language interpreter or assistive listening devices may be provided to students in inclusion and mainstream settings (Marschark, 2007, p. 146). Stinson & Foster (2000, p. 204) shed light on one of the philosophical differences between inclusion and mainstreaming: inclusion treats the child as a member of the regular classroom whereas mainstreaming views the child as a visitor within the regular classroom.

The self-contained deaf education classroom is designated for deaf children. A teacher for the deaf is assigned to the classroom and is responsible for teaching the students in her class; the class may consist of students from various grade levels (Lane et al., 1996, pp. 246-248). Self-contained classrooms are typically formed when there are enough students to warrant a separate class (Lane et al., 1996, p. 247). In order to reach the number of students to form a critical mass for a self-contained classroom, school districts sometimes designate one campus within the district to house the self-contained class. In those instances, children residing in the

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<sup>13</sup> Hines (2001) offers a succinct review of research that investigates the benefits of inclusion.

district who are assigned to the self-contained classroom would be bussed to the designated campus (Lane et al., 1996, p. 247). These programs are often referred to as regional day-school programs for the deaf.

Residential schools for the deaf are state-run institutions where deaf children are educated alongside their peers who are also deaf (Marschark, 2007, p. 144). Since the founding of the American School for the Deaf in 1817 in Hartford, Connecticut, and up until the passage of IDEA, children who were deaf were educated primarily at schools for the deaf (Lane et al., 1996, p. 56). For students enrolled in residential schools for the deaf, they either attend school during the day and return home after school (typically the case for students who live in the city where the school for the deaf is located) or they may opt to live in residential housing located on campus (similar to students who attend boarding schools) (Lane, et al., p. 56).

Since the passage of IDEA's precursor EAHCA in 1975, the number of students enrolled in schools for the deaf has decreased significantly (Schildroth & Hotto, 1994, pp. 10-14). The educational placement of deaf students has shifted over the course of the last 35 years. During the 1975-1976 school year 49% of students were enrolled in schools for the deaf and regional day school programs (Karchmer & Trybus, 1977, as cited in Marschark & Spencer, 2003, p. 23). At present, 24% of deaf students attend schools for the deaf or regional day school programs while nearly two-thirds of deaf students are included (fully or partially) in regular education classrooms (Gallaudet Research Institute Report, 2008).<sup>14</sup> This shift in placement patterns is due, in large part, to IDEA's least restrictive environment provision (Moore, 2009, p. 3).<sup>15</sup>

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<sup>14</sup> Gallaudet Research Institute estimates that the annual survey results includes roughly 60% of identified deaf and hard-of-hearing children receiving special education services in the U.S.; survey respondents include clinicians, school administrators, and teachers (Holden-Pitt & Diaz, 1998, p. 72).

<sup>15</sup> Moore points out that a decline in student enrollment began before the passage of EAHCA in 1975, but notes that since 1970, only one school for the deaf has been built while many others have closed or are in danger of closing. Some of the other influences affecting decreased enrollment numbers is the decrease in outbreaks of rubella and other infectious diseases that result in high incidences deafness in newborns (Schildroth & Hotto, 1994).

## **Least Restrictive Environment**

While several placement options are allowed under IDEA to provide children with a free appropriate public education, IDEA sets forth a preferred placement option for children with disabilities: an inclusion setting where students with disabilities are educated alongside students who are nondisabled (Manasevit & Maginnis, 2005, p. 48; Ramsey, 1997, pp. 27-28). This preference is known as the least restrictive environment<sup>16</sup> provision in IDEA and is articulated as follows:

to the maximum extent appropriate, children with disabilities...are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (IDEA, 2004, § 612(a)(5))

The LRE provision stems from the inclusion philosophy that asserts that a child's academic, linguistic, and social development can be achieved most effectively in a mainstreamed setting (Etscheidt, 2006, p. 170; Lane, et al., 1996, p. 250; Schildroth & Hotto, 1994, p. 8).<sup>17</sup> When applying IDEA's definition of LRE to other placement options, schools for the deaf are seen as more restrictive environments because deaf children are "restricted" from interacting with children who can hear (Cohen, 1994, p. 3; Salem & Fell, 1988, pp. 69-70; Siegel, 2000, p. 6).

### **LRE defined.**

The current definition of LRE as laid out in the 2004 reauthorization of IDEA has come about as (a) a result of courts interpreting the meaning of LRE and (b) from subtle changes to subsequent reauthorizations of IDEA changing the requirements of how the LRE is determined

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<sup>16</sup> Hereafter LRE.

<sup>17</sup> Etscheidt (2006) argues that the LRE is also the "natural environment" for children with disabilities because it serves as "a setting that is typical for the child's same-age peers without disabilities" (p. 167). See pages 169-170 for an analysis of court cases that ruled inclusion settings are natural environments for deaf children.

(Aldersley, 2002, p. 198; Huefner, 2000, p. 198).<sup>18</sup> Beginning with its decision in *Springdale School District v. Grace* (1982), the Eighth Circuit U.S. Court of Appeals upheld a lower court's ruling that Sherry, a profoundly deaf student whose first language is sign language, was receiving an appropriate education by remaining at her home school. The school's recommendation was to send Sherry to the Arkansas School for the Deaf which had a better deaf education program than what the local school could offer (DuBow, 1984, p. 92). Sherry's parents, however, preferred she remain at the home school and receive one-on-one instruction from a certified deaf education teacher. By staying at her home school Sherry would have opportunities to interact with hearing students during physical education class, recess, and at lunch (DuBow, 1984, p. 92).

The court's opinion explicitly stated that Sherry would receive a better education at the residential school; nevertheless, the court acknowledged that the school was required to provide only an *appropriate* education and not the best possible education to students with disabilities (*Springdale School District v. Grace*, 1982). Furthermore, the court noted that IDEA required "to the maximum extent' possible...the handicapped must be educated with the nonhandicapped" (*Springdale School District v. Grace*, 1982). DuBow (1984) explains how this decision served to strengthen the interpretation of FAPE and LRE: "The appeals court found the opportunity for contact with [nondisabled] children at the local school a critical factor in concluding the public school placement was appropriate" (p. 92).

In addition to court rulings, subsequent reauthorizations of IDEA have strengthened the "strong preference" for placing children in mainstreamed settings (Aldersley, 2002, p. 198). Since it was signed into law IDEA has supported the placement of children with disabilities in

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<sup>18</sup> See Aldersley (2002) for a thorough review of court cases that have interpreted the LRE clause of IDEA over the last three decades.

regular education classrooms. Initially, however, students' involvement in the regular classroom was seen as limited (Huefner, 2000, p. 198). With the reauthorization in 1997, however, IDEA "significantly enhance[d] the legal supports for the philosophy of inclusion" (Huefner, 2000, p. 198). This is most evident in the way in which the law was revised. The 1990 reauthorization of IDEA required a child's individualized education plan contain "a statement . . . of the extent to which [the] child *will be able to participate* [emphasis added] in regular educational programs" (as cited in Huefner, 2000, p. 197). The 1997 reauthorization changed the wording to "an explanation of the extent, if any, to which the child *will not participate* [emphasis added] with nondisabled children in the regular class and in [extracurricular and other nonacademic activities]" (as cited in Huefner, 2000, p. 197). This change holds legal weight. Huefner explains why:

Congress has created a legal presumption that anyone (parent or school) proposing a placement in which participation in classes and activities with nondisabled students will not occur must bear the burden of proving that such participation is not appropriate. Although the content of the statutory provisions governing least restrictive environment and requiring a continuum of placement options did not change, Congress, in effect, introduced a shift via the side door. (2000, p. 198)

The change in wording in the 1997 reauthorization of IDEA cleared up confusion (from prior reauthorizations of IDEA and court rulings) regarding who bore the burden of proof in demonstrating that a placement decision was not appropriate: the party arguing in favor of placing the child in an environment other than a regular education classroom (Huefner, 2000, p. 198).

### **Access to peers and language.**

For those who favor mainstream and inclusion settings, this policy shift was seen as a huge victory. Proponents of inclusion argue that children with disabilities receive greater benefits by participating in a general education classroom with their peers who are nondisabled

(Snell & Drake, 1995, p. 394). Some of these benefits include opportunities to interact with nondisabled peers (Snell & Drake, 1995, p. 394) and greater access to the general education curriculum (Smelter, Rasch, & Yudewitz, 1994, p. 36). While integrating children with disabilities into classrooms with children who are nondisabled has shown in some cases to improve their social development (Hunt, 2000) and academic achievement (Salend & Duhaney, 1999), this presupposes that the children are able to communicate with each other and their teachers (Easterbrooks, Lytle, Sheets, & Crook, 2004, p. 223; Marschark, 2007, p. 158).

Placing deaf children in general education classrooms based on the argument that inclusion settings foster more opportunities for social and academic development has sparked a heated debate within the field of deaf education (Johnson, Liddell, & Erting, 1989; Lane et al., 1996; Marschark, 2007, p. 158; Siegel, 2008, pp. 4-5). The debate has centered on access to language (Johnson et al., 1989, p. 3) and the (mis)application of LRE in cases involving deaf children (Cerney, 2007, p. 22). Etscheidt (2006) cites two court cases that ruled in favor of placing preschoolers who were deaf in inclusion settings on the premise that the children would have access to language models (i.e., hearing classmates) in the inclusion setting.<sup>19</sup> The former Assistant Secretary of Education in the Office of Special Education and Rehabilitative Services cautioned schools in how they interpret LRE:

[I]f you asked me for the *single* issue that thwarts our attempts to provide an appropriate education for deaf children, I would tell you ... : the interpretation and application of the LRE provision .... School districts are applying the LRE provision by generalizing that placements in or closer to the regular classroom are somehow inherently less restrictive for all children with disabilities. While this may be true for many children with all types of disabilities...for a deaf child, these settings may be completely isolating due to communication factors. (Davila, 1992, as cited in Schildroth & Hotto, 1994, p. 9).

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<sup>19</sup> The two cases cited by Etscheidt (2006) are *New Britain Board of Education* (2003) and *Board of Education of the Frewsburg Central School District* (1997).



Children with an auditory hearing loss are distinctly different from other children with disabilities:<sup>20</sup> they are unable to (fully) access the linguistic code found in the inclusion setting and in mainstream society (Siegel, 2008, p. 23). For deaf children, schools for the deaf provide continuous access to peers, teachers, and other adults who share a language, culture, and similar experiences (Lane, 1999, p. 138). Removing deaf children from such a language rich environment and placing them into a mainstreamed classroom often restricts their access to language, communication, and socialization (Humphries, 1993, p.11; Ramsey, 1997, pp. 3-12; Siegel, 2008, pp. 31-37). Consequently, the mainstream classroom often becomes the most restrictive environment for deaf children.

Two findings from Ramsey's (1997, pp. 51, 115-116) ethnographic study of three second graders' experiences in a public school illustrates the tension between satisfying the legal requirements to educate children in the LRE and ensuring that the educational placement is indeed a learning context for deaf children. First, Ramsey found that while students participated in both self-contained and regular education classrooms, the students had many more opportunities to interact with peers while attending the self-contained classroom. In the self-contained classroom the students were able to communicate freely with their peers (who were all deaf) and their teacher (who was fluent in sign language). In the mainstreamed classroom, the students relied on an interpreter to converse with their peers and to communicate with the teacher.

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<sup>20</sup> The medical and legal communities view an auditory hearing loss as a disabling condition (Ramsey, 1994, pp. 43-44). A medical view of deafness seeks to treat the hearing loss in an attempt to restore the hearing (Humphries, 1993, p. 6). The Deaf community rejects this view that deafness is a disability and argues that deaf individuals are members of a linguistic and cultural minority group (Muhlke, 2000, pp. 723-725; Ramsey, 1994, p. 43) that uses signed language as its natural mode of communication (Mesthrie, Swann, Deumert, & Leap, 2000, p. 425). Harry (1992, pp. 23, 99) asserts that IDEA is written from a medical view.

Second, Ramsey (1997, p. 51) learned that one of the deaf education teachers recommended to district and campus administrators that the children remain in the self-contained classroom all day rather than moving to a mainstreamed classroom for part of the day. The deaf education teacher argued that the self-contained classroom provided a richer learning context for the students because they had more opportunities for language development. The administrators responded that if the deaf students were able to pass their classes, then they were receiving an appropriate education and should remain in the regular education classroom (Ramsey, 1997, p. 55). Ramsey contends that the school administrators were more concerned with fulfilling the legal requirement of IDEA to educate children in an inclusion setting to the maximum extent possible instead of assessing which educational placement option would best meet the students' individual communication and education needs.

### **Individualized Education Plans**

To determine which setting constitutes the LRE for a child, IDEA mandates the creation of a yearly individualized education plan<sup>21</sup> for each child who falls under the purview of special education. The IEP is both a legally-binding document and a process that must meet procedural and substantive requirements (Drasgow, Yell, & Robinson, 2001, p. 359; Ketterlin-Geller, Alonzo, Braun-Monegan, & Tindal, 2007, p. 195). Procedural requirements “include a set of steps that must be followed during the planning, development, and review of the IEP” (Ketterlin-Geller et al., 2007, p. 195). Some of these include obtaining parental consent to evaluate a child, sufficient written notice inviting parents to upcoming IEP meetings, and providing parents with information regarding their legal rights throughout the IEP process (IDEA, 2004, § 615). Substantive requirements refer to the “substance” of the IEP; the services and goals in the IEP

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<sup>21</sup> Hereafter IEP.

must ensure that children receive an appropriate education (Drasgow, et al., 2001, p. 359). Both procedural and substantive requirements must be met.<sup>22</sup>

As a document, the IEP records a child's current level of academic achievement and functional performance, establishes goals for the following school year, and serves as a blueprint for the educational services that the child is to receive (Huefner, 2000, p. 195). The IEP team<sup>23</sup> gathers data to determine the child's current level of performance and to establish goals for the following academic year. The data include information provided by the child's parents, formal assessments and classroom-based observations, and teacher and related service providers' observations (IDEA, 2004, § 614 (c)(1)(A)). Considering the services the child needs, the team selects the setting that is the LRE for the IEP goals to be achieved (Drasgow et al., 2001, p. 364). If a child's needs would be best served in an environment other than the regular classroom, an explanation as to why an alternate placement is more appropriate (and the LRE) for the child is also written into the IEP (Fish, 2008, p. 8).

In addition to being a written document the IEP is also a process. The process begins by gathering evaluation, assessment, and observational data. To determine whether a child qualifies for special education services, the child undergoes several evaluations that are conducted by the school's multidisciplinary team (Drasgow et al., 2001, p. 361). If the child is eligible to receive services, the IEP team which consists of the child's parents, a special education teacher, a regular education teacher, educational service providers (such as a speech pathologist), and a campus administrator meets to discuss the assessment team's findings and agree upon appropriate

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<sup>22</sup> Yell and Drasgow (2000) reviewed 45 legal cases where parents of children with autism challenged the schools IEP recommendations. Parents prevailed in 34 of the 45 cases. In many of the cases the parents prevailed because schools failed to comply with either the procedural or substantive requirements of the IEP.

<sup>23</sup> The IEP team is comprised of the child's parents, a regular education teacher, a special education teacher, a school administrator, and a school professional who can speak to the language and communication needs of the child (e.g., speech pathologist, audiologist) (IDEA, 2004, § 614(d)(1)(B)).

services, IEP goals, and the LRE (Fish, 2008, p. 8). When disagreements between school representatives and parents arise concerning a child's IEP goals, services, or LRE placement, IDEA requires the parties to participate in dispute resolution procedures. These include due process hearings, formal complaints, and mediation (Mueller, 2009, p. 60).

### **Parental involvement in the IEP process.**

Parent involvement in the IEP process is important for at least two reasons. First, they have a unique understanding of their child's specific medical, educational, and social needs (Lo, 2008, p. 21). Second, IDEA mandates parental participation in the IEP process.<sup>24</sup> However, some question the extent to which parents are able to take an active role in the IEP process (Bennett, 1987; Harry, 1992, pp. 200-204; Salas, 2004).<sup>25</sup> In their three-year longitudinal study of African-American parents' involvement in securing special education services for their children, Harry, Allen, and McLaughlin (1995) found that 14 of the 18 parents believed their involvement in the IEP meeting to be two-folded: "to receive information about their child's progress and to sign documents" (p. 371). Based on observations during the IEP meetings, the power structure contributed to the parents' perception of their limited involvement: "professionals report and parents listen, imply[ing] that initiative and authority are solely in the hands of professionals" (Harry et al., 1995, p. 372). While the school officials may have complied with IDEA's procedural requirement to involve parents in the IEP process, meaningful parental participation was not achieved (Harry et al., 1995, p. 373).

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<sup>24</sup> IDEA when it was originally passed in 1975 did not require parental participation in the IEP process. However, this requirement was added to the 1990 reauthorization of IDEA (Kalyanpur, Harry, & Skrtic, 2000, p. 119).

<sup>25</sup> Schools are required to obtain parental consent in order to conduct an initial evaluation of the child in addition to securing parental agreement to the IEP goals during the annual IEP meeting (Harry et al., 1995, p. 364).

Similar findings emerged in Lo's (2008) study of Chinese parents' involvement in IEP meetings. Of the five parents involved in the study, four reported that they believed the IEP meetings were "designed for professionals to report their child's progress, evaluation results, and any changes made in placement or services" (Lo, 2008, p. 24). In nearly 60% of cases where parents requested services for their child, their requests were denied without an explanation. In two instances, the school professionals refused to provide services that the children's physicians strongly recommended. Parents felt that the professionals had insufficient expertise to understand their child's specific disabilities and needs (Lo, 2008, p. 24). Lo also found that language served as a barrier to parents' participation in IEP meetings. Four of the parents relied on interpreters to communicate with school professionals. Parents reported (and Lo observed) that interpreters would often summarize the information presented and were unfamiliar with terminology specific to special education. Consequently, the interpretation was incomplete leaving parents with only a partial understanding of their child's progress and the professionals' recommendations.

Each of these studies brings to light some of the issues that arise during the IEP process. Central to the development of an IEP (and in accordance with procedural requirements) is collaboration among all team members, school professionals and parents alike. The IEP collaborative process is thwarted when parents are unable to (fully) participate in the development of an IEP, either because their recommendations are not taken into account by the other IEP team members or because they must rely on interpreters (Smith, 1990, p. 6). Conversely, when parents' voices are included in the IEP process, the IEP team gains insights into children's needs that evaluations, observations, or assessments are unable to capture.<sup>26</sup>

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<sup>26</sup> See Harry (1992, pp. 200-209) for examples from one school district where parents were both included and excluded in the IEP process.

In sum, with the passage of IDEA's precursor EAHCA in 1975, all children with disabilities were granted the right to a free appropriate public education in the least restrictive environment. Twenty-five years after its passage, the U.S. Department of Education (2007) issued a report highlighting some of IDEA's successes. One of the successes involves a key principle in IDEA: encouraging cooperative interactions between school professionals and parents by requiring parental involvement in the development of IEPs (U.S. Department of Education, 2007, p. 5). Additionally, the report reiterates the purpose of IDEA: "to maintain an equal and respectful partnership between schools and families" (U.S. Department of Education, 2007, p. 5). This partnership is created and maintained through collaboration amongst IEP team members.

### **Parent-Educational Service Provider Interactions**

Parent-educational service provider interactions are influenced by how they view their respective roles and how they view the roles of their counterparts. This section begins by exploring how IDEA, educational service providers, and parents view the role of parent participation in the collaborative decision-making process. The discussion then turns to the challenges that arise in interactions with parents and educational service providers who do not share the same language.

### **Differing Perspectives on Collaboration**

Both educational service providers and families contribute to forming a strong partnership (Kalyanpur et al., 2000, p. 120). Hoover-Dempsey and Sandler (1997, p. 10) suggest that partnerships are more effective when individual member's roles are well defined and agreed

upon. Hoover-Dempsey and Sandler (1997) also argue that “the more ambiguity associated with a member’s role (i.e., lack of clarity in expectations associated with roles)” the more one can expect undesirable outcomes such as “dissatisfaction with the group or oneself, higher stress, poor participation, lower commitment, and lower productivity” (p. 10). Thus, to better understand the overall effectiveness of partnerships, one needs to explore the roles that each member plays.

### **Parents’ role as explicated in IDEA.**

IDEA aims to strengthen the role of parents as they work with educational professionals in the IEP process. Parent-educational service provider collaboration is important for at least two reasons. First, parents have a legal right to represent their children to ensure that they receive an appropriate education; these rights were limited until 1990 (Kalyanpur, Harry, & Skrtic, 2000, p. 121). From 1975 until IDEA’s reauthorization in 1990, parents were not included in the list of IEP team members outlined in IDEA (Coots, 2007, p. 33). School professionals were responsible for determining the services a child would receive; consulting with parents was not required by law and, hence, created an imbalance of power (Kalyanpur, Harry, & Skrtic, 2000, p. 121). With the reauthorization of IDEA in 1990 which mandated parental participation in the decision-making process, Kalyanpur et al. (2000, p. 121) argue that parents were granted legal rights and responsibilities to ensure that their children receive an appropriate education.

Second, not only do parents have a legal responsibility to act on behalf of their children as Kalyanpur et al. (2000) assert, but parents also provide great insights into their children’s development. A Chinese-American parent in Hanson et al.’s (1997) study offered the preschool

program valuable insight into her son's (who had Down Syndrome) language development. While her son received speech therapy services at school in English and was provided instruction in sign language, at home he listened to Cantonese because his parents were monolingual Cantonese speakers. The child's mother reported that he used sign language at home but that she did not understand what he was saying (Hansen et al., 1997, p. 7). The mother's insight into her son's linguistic environment at home was helpful for school professionals to better understand his linguistic development at home, providing educational service providers with information they needed in order to make adjustments to the types of speech therapy and instructional services that the child received at school.

#### **Parents' perspectives on IEP involvement.**

While some experts contend that IDEA views parents and educational service providers as equal partners in the IEP creation process, many parents from linguistic and ethnic minorities often do not view themselves as equal partners with school professionals (Struxness, 2000, pp. 104-106). In a study of Mexican parents' views of teachers, Ramsey (2000) found that parents respected the role of the teacher as the leading authority on their child's academic development. Parents reported placing a high level of trust in the teachers' training, experience, and expertise. Consequently, they accepted the teachers' recommendations and did not believe it was appropriate or acceptable to challenge the teachers' authority (Ramsey, 2000, pp. 138-139). For parents who view teachers and school officials as the authorities on determining which services best meet the needs of their children, an invitation to participate in their child's IEP challenges their deeply held beliefs about the roles of teachers and the educational system (Ramsey, 2000, pp. 138-139). Nicolau and Ramos (1990) found similar sentiments from Latino parents in a



study of parent-school partnerships. One parent stated, "...the teachers are professional people. They know what is best for children. I went to the third grade; how can I question my son's teacher? She knows what is best for him" (Nicolau & Ramos, 1990, p. 11).

While the Mexican parents in Ramsey's (2000) study and some of the Latino families in Nicolay and Ramos's (1990) research would not challenge the school officials but rather trusted their recommendations, a mother from the Dominican Republic in Bennett's (1988) study of parents' interactions with educational service providers in New York viewed herself as an equal partner with the school and felt, at first, that the teachers also viewed her as such. During the IEP meetings, she made recommendations for goals and accommodations for her child. However, when she questioned a behavioral issue the teachers had documented in her son's IEP, the IEP team members refused to engage in a discussion about the classroom structures that were impacting the child's behavior. This brought to the surface the unequal power relationship that exists between parents and educational service providers in negotiating the services that are most appropriate for children (Bennett, 1988, p. 147).

### **Access to Information and Services**

When building partnerships between parents and educational service providers, communication is critical. Parents who speak a language other than English must overcome linguistic barriers to fully engage with school professionals in order to discuss the various educational placement options available for their children and access services that help parents communicate with their children (Lane et al., 1996, p. 165; Lerman, 1984, p. 53).

### **Access to information.**

Interpreters are often called upon to facilitate communication between school officials and parents who speak languages other than English, but this is not without its challenges. In Wathum-Ocama and Rose's (1997) study of Hmong immigrants in California, six of seven parents reported difficulty communicating through interpreters. First, parents expressed frustration in delayed communications with teachers and school staff because of the time it took to find an interpreter (Wathum-Ocama & Rose, 1997, p. 48). When interpreters were found, over half of the parents reported that some of the interpreters did not understand the intricacies of special education and were, therefore, unable to provide an accurate interpretation of what the teacher or school official was presenting. Consequently, the parents' ability to fully participate in the discussion was restricted and the parent-school relationship strained (Wathum-Ocama & Rose, 1997, p. 48).

Educational service providers also indicate that their relationships with families are affected when having to communicate through an interpreter. In DeGangi, Wietlisbach, Poisson, Stein, and Royeen's (1994) study of the impact of culture on family-professional collaboration, four out of five educational service providers who worked with families who spoke languages other than English expressed concern about using interpreters. They reported that the IEP process "was altered when interpreters were needed to translate, which inhibited the extent of verbal exchange that normally occurs when both parties speak the same language" (DeGangi et al., 1994, p. 5). Plata (1993) acknowledges the challenges of relying on interpreters for communication in IEPs and parent-teacher conferences noting that factors such as an interpreter's level of language proficiency and familiarity with special education terminology can affect (both positively and negatively) the accuracy of the interpretation.

Studies such as DeGangi et al.'s (1994) and Wathum-Ocama and Rose's (1997) bring to light some of the difficulties in finding and using qualified interpreters. Steinberg et al. (2003), however, found that these issues were not of concern to the majority of Spanish-speaking parents in their study. Of the 27 parents interviewed, 19 parents (70%) reported that language differences were not a barrier to receiving adequate information regarding the services provided by the school (Steinberg et al., 2003, p. 297). The parents attributed this to having access to one of three resources: interpreters who render accurate interpretations, school officials who speak Spanish, or one of the parents spoke English (Steinberg et al., 2003, p. 297). The parents also did not view communication through an interpreter as having negatively impacted their ability to access the information necessary to make an informed decision regarding their children's schooling (Steinberg et al., 2003, p. 297). Of the eight parents who did find communicating through an interpreter to be difficult, one parent indicated that this was due to the amount of time it took to secure an interpreter. It sometimes took up to two hours for an interpreter to arrive. Other parents found that the variety of Spanish the interpreter used was often different from the variety that the parents spoke, resulting in misunderstandings (Steinberg et al., 2003, p. 297).

#### **Access to services.**

Language differences not only affect communication between parents and educational service providers, but can also limit parents' access to school services such as sign language classes. In Struxness's (2000) survey of four school districts in southern California, it was found that all four districts provided sign language classes for parents of deaf children. The classes provided an opportunity for parents to learn sign language in order to communicate more effectively with their children. However, in all but one of the districts the sign language classes

were taught by English-speaking teachers. Thus, the majority of the Spanish-speaking parents were not able to benefit from the classes. Akamatsu and Cole (2000) argue that this is a challenge all too commonly faced by parents and families from linguistic minority groups. This serves as one example of how language differences can exclude Spanish speakers from accessing services available to English-speaking parents (Meadow-Orlans, Mertens, Sass-Lehrer, & Scott-Olson, 1997, p. 287).

### **Latino Families' Views on Deafness and Language**

A family's view on deafness and language is influenced by many factors, not the least of which being their culture (Harry, 1992, pp. 23-24). Culture influences the ways in which families view their children's deafness and the language(s) they wish their children to learn (Cheng, 2000; Steinberg, Davila, Collazo, Loew, & Fischgrund, 1997). This section begins with a discussion of parents' views on the causes of deafness and how those views influence the way parents seek out interventions and services for their children. Research about families' views on language is then presented. In the studies discussed here, families reported having a strong desire for their children to learn the family's native language while also recognizing the important roles English and sign language play (Gerner de García, 1993a; Lerman, 1984, p. 47; Steinberg et al., 2003).

### **Parents' Views on Deafness**

Because 90% of deaf children are born into families whose native language is a spoken language (which the deaf child is unable to access), there exists within all sociocultural groups the dilemma of unifying the deaf child with the rest of the world that can hear (Gallaudet

Research Institute, 1999; Ramsey & Norriega, 2001, p. 254). Understanding how parents view the causes of deafness can help shed light on the ways in which they seek out treatment and services for their children. Cheng (2000) argues that religious beliefs can influence the way a parent views their child. The Chamorro culture, for example, views individuals with disabilities as gifts from God who need to be protected and sheltered (Cheng, 2000, p. 77). In the case of Puerto Rican families interviewed by Steinberg et al. (1997), the majority of the families attributed their children's deafness to God's will. While a few parents saw this as a punishment from God, most parents saw this in a positive or more neutral light (Steinberg et al., 1997, p. 209). Two of the families believed that God would restore their children's hearing, just as He had taken it from them.

Parents also shared some of the ways in which their children were treated differently by extended family members and individuals within the Latino community. It is common for the children to be referred to as "the deaf one" or "the mute one" rather than being called by their given names (Steinberg et al., 1997, p. 211). Similarly, some Latino neighbors believed deafness to be a contagious disease and therefore would not allow their children to play with the children who were deaf. One family reported having moved from their neighborhood because children had thrown rocks at their daughter because she was deaf (Steinberg et al., 1997, p. 211). Parents believed these experiences suggest that others viewed their children as outsiders and not accepted members of the Latino community.<sup>27</sup>

These examples shed light on issues of linguistic and cultural characteristics that serve as markers for social identity and belonging (Ramsey & Norriega, 2001, p. 257). In these cases, the children's lack of hearing and speech marked them as separate and distinct from their

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<sup>27</sup> These accounts are not exclusive to Latino communities. A Chinese-American family in Hanson et al.'s (1997, p. 8) study was saddened to learn that their neighbors who had young children would not allow their children to play with their child who had Down Syndrome.

communities. There exists a (mis)perception that the child's hearing needs to be restored in order for the child to be accepted by the larger society (Ramsey & Norriega, 2001, pp. 254-257). Ramsey and Norriega (2001) paint a vivid picture of the types of miracle cures that Mexican families pursue in an attempt to heal their children's deafness. While some of the cures "may seem peculiar or at best exotic", the researchers argue that medical and therapeutic procedures American families pursue in the United States are undertaken with the hope of attaining the same end as the miracle cures: a restoration of the child's hearing and a reuniting with their parents' native culture (Ramsey & Norriega, 2001, p. 255).

Families' decisions regarding the types of medical and educational services they select for their children are influenced by their cultural and religious beliefs (Ramsey & Norriega, 2001, p. 257). Steinberg et al. (2003) found that almost two-thirds of the 29 Latino families indicated in a survey that "their religious beliefs and faith influenced their decision-making process" (p. 299). While no specific examples were given that demonstrated the relationship between the religious belief and the medical and educational services they selected for their child, it is nonetheless a significant finding.

### **Parents' Views on Language**

Shared language is a characteristic of group membership. Schiffman (1996, p. 12) speaks to how language is a core value of many cultures and is "a powerful source of identity." He makes his point that language is a cultural marker by recalling Saer et al.'s (1924) description of how speaking a language can either help or hinder individuals' access to various cultural domains. Saer et al. (1924) bring attention to the Welsh and their concern that learning only English would restrict their children's participation in the larger Welsh community (as cited in

Schiffman, 1996). If the children were to learn the Welsh language, they would be “immediately accepted as a comrade, and [be] welcomed into a democracy of peers” (Saer et al., 1924, pp. 68-69 as cited in Schiffman, 1996, p. 12). Similarly, Spanish-speaking parents of deaf children also desire that their children learn the family’s native language so that they can fully participate in the Spanish-speaking community.

The CREED VII project in New York City, conducted in 1975, set out to survey the linguistic, educational, and cultural characteristics of Latino families with children who were deaf (Lerman, 1984, pp. 38-39). Five schools for the deaf participated in the study. Nearly half of the combined student population, 765 children, was of Latino descent. Survey results indicated that 80% of the children’s mothers communicated exclusively in Spanish; 94% of the interviews with the mothers were conducted in Spanish. The parents expressed their desire for their children to learn Spanish.<sup>28</sup> Only 9% of the children who were deaf communicated in Spanish; they were forbidden from using Spanish at school because the language policy allowed only spoken English and sign language to be used (Lerman, 1984, p. 49). The result, however, was that children learned to communicate in the languages of the school but were unable to communicate with their parents and family (Lerman, 1984, p. 48).

In a study conducted by Steinberg et al. (2003, p. 296) of Spanish-speaking parents of deaf children from across the country, over half of the parents reported Spanish was used as the language in the home. Seventeen of 27 parents (63%) were hopeful that their children would become bilingual or trilingual. One mother had not encouraged an older child to learn Spanish. In speaking about her younger son who was deaf she commented, “We are trying to avoid the error we made with the older boy, so that later he will have access to his culture and language

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<sup>28</sup> The study did not indicate what percentage of parents wanted their children to learn Spanish. It did, however, indicate that 80% of the mothers and 40% of the siblings spoke only Spanish (Lerman, 1984, p. 47).

which is Spanish...” (Steinberg et al., 2003, p. 298). Several parents also recognized the importance of sign language and English in successfully navigating communication with friends and succeeding in school. Four of 27 parents expressed their desire for their children to learn English because it was the language of the school (Steinberg et al., 2003, p. 298). In short, parents recognized that all three languages (Spanish, English, and sign language) are necessary in order for their children to participate at home, at school, and within the larger societies (Saer et al., 1924, as cited in Schiffman, 1996, p. 12).

### **Summary**

This chapter examined research related to the process of selecting and securing educational services for deaf children from Spanish-speaking homes. It began by explicating the policy framework that governs deaf education. Under IDEA, children with disabilities are entitled to receive a free appropriate public education. As part of FAPE, deaf students are placed in the LRE that allows them to achieve their academic and communication goals outlined in their IEPs. IEP team members, including parents, create the IEPs. Language and cultural differences between parents and educational service providers were shown to influence the degree to which parents (fully) participate in the process of securing services for their deaf children. Finally, cultural and religious beliefs shape the way families view deafness and language.

Given the wide range of factors that contribute to the process of selecting educational services for deaf children from Spanish-speaking homes, there are several directions in which one can take future research in order to cast a brighter light on these issues. Possible veins of inquiry might include exploring the experiences of educational service providers in engaging Spanish-speaking parents in securing educational services for their deaf children; analyzing



policy texts within the national, state, and local levels to examine how policy discourses trickle down or are filtered out as the policy is reinterpreted at meso and micro levels; uncovering the relationships between educational service providers' beliefs about language and deaf education policy and the ways in which they interpret and implement the policies; Spanish-speaking parents' participation in the IEP creation process in a local context; comparing the similarities and differences between educational service providers and Spanish-speaking parents in the IEP creation process. By studying these language policy implementation processes in the local context, one can come to better understand the relationships between discourses and practices at the national, state, and local levels where LPP processes take shape. The specific methodology I employ to investigate these issues is presented in the next chapter.

**CHAPTER 3**

**AN ECOLOGICAL, DISCOURSE ANALYTIC APPROACH TO INVESTIGATING  
MULTILAYERED LPP PROCESSES**

**Introduction**

Given the multilayered processes undertaken by educational service providers and parents to secure educational services for deaf children, investigating these processes requires a conceptual orientation that can both capture the various levels, processes, and individuals within the LPP process and explore the relationships among these elements. Thus, this chapter argues the merits of how an ecological orientation to LPP coupled with nexus analysis, an ethnographic approach to the study of social actions, agents' beliefs, and discourses in society, serve as effective lenses through which to examine the processes of learning about and securing educational services for deaf students from Spanish-speaking homes (Hornberger & Hult, 2008; Hult, 2010; Scollon & Scollon, 2004). The chapter begins with a discussion of the ecology of language, implementational space within the LPP ecology, and nexus analysis. Special attention is drawn to how such an orientation and methodology are particularly useful for studying LPP issues embedded within the multilingual (and multimodal) environments where deaf children from Spanish-speaking homes interact. Next, the research questions and design of the present study are introduced, followed by a description of the setting and participants. Finally, the data collection and analysis procedures are set forth.

## **Examining Multilayered LPP Landscapes**

Language policy and planning is a multilayered, multifaceted process (Kaplan & Baldauf, 1997, p. 52). Cooper (1989) folds the aims of language planning into one over-arching question: “What *actors* attempt to influence what *behaviors* of which *people* for what *ends* under what *conditions* by what *means* through what *decision-making process* with what *effect*?” (p. 98; italics original). From this question it is clear that LPP activities involve multiple individuals (policy-makers at the national, state, and local levels), several processes (decision-making, policy creation, policy interpretation, policy implementation), and underlying goals (multilingualism, monolingualism, access to education) (Ricento & Hornberger, 1996). To understand the LPP processes involved in securing educational services for deaf children from Spanish-speaking families, one might begin with Cooper’s (1989) question to identify the actors, processes, and goals involved in implementing language education policy through the creation of an individualized education plan.<sup>29</sup> Educational service providers<sup>30</sup> and parents of deaf children across the country carry out the IEP policy-creation and policy-implementation processes on local school campuses. ESP-parent interactions are influenced, at least in part, by policies that govern special education at the federal, state, and district levels; policy implementation by ESPs on local school campuses; ESPs’ individual attitudes and beliefs; and parents’ beliefs and attitudes about their role in determining appropriate services for their children.

### **An Ecological Approach to Examining LPP Activities**

Given the multiplicity of individuals, beliefs, and processes that are involved in the implementation of deaf education policy within the local context, a conceptual orientation that

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<sup>29</sup> Hereafter IEP.

<sup>30</sup> Hereafter ESP.

can capture the various relationships among these parts of the implementation process within multilingual contexts is needed. As such, I follow in the tradition that draws upon an ecological orientation to LPP to examine the relationships among policies, agents' beliefs about language and policy, and multilingualism in educational contexts (Hornberger, 2002; Hornberger & Hult, 2008; Hult, 2010). Haugen (1972, pp. 325, 329) articulated one of the earliest descriptions of an ecological orientation to sociolinguistic research: language ecology is concerned with examining the interactions of languages, their users, and the language environments in which speakers interact. Hornberger and Hult (2008, p. 280) note that Haugen adapted the study of biological ecosystems to linguistic environments in the 1960s and 1970s. Calvet (2006, pp. 23-24) explicates how the metaphor of a biological ecosphere can be applied to linguistic environments. Just as a biological ecosphere is made up of several layers (e.g., ecosystems, biological communities, populations, colonies, and organisms), so too are all languages and their users situated within a global ecosphere (the world) which is comprised of smaller ecosystems (social and political entities) that are constituted by ecological niches (users and languages within social and political entities). Hence, an ecological orientation to LPP "presupposes different levels of analysis" (Calvet, 2006, p. 24).

Hornberger and Hult (2008) further articulate the ecology metaphor in the context of linguistic landscapes and multilingual environments by suggesting that:

languages evolve in the context of a social environment where some languages are more equal than others...Languages, like living species, evolve, grow, change, live, and die in relation to other languages and also in relation to their sociohistorical, sociopolitical, and sociocultural environments. (p. 280)

They also suggest that researchers investing multilingual educational LPP practices take up an ecological orientation because such an approach focuses its lens on relationships between linguistic ecosystems, such as macro level discourses about multilingualism and micro level discourses that include individual's beliefs about and usages of language in local contexts

(Hornberger & Hult, 2008, p. 280). An ecological approach is particularly useful because it is concerned not only with identifying the individual actors and layers within the language planning process as Cooper (1989) suggests, but an ecology of language is also acutely interested in illuminating the inter-relationships among the layers, actors, languages, social contexts of language, and the LPP processes found within multilingual contexts (Hornberger & Hult, 2008, p. 286; Ricento & Hornberger, 1996, p. 408).

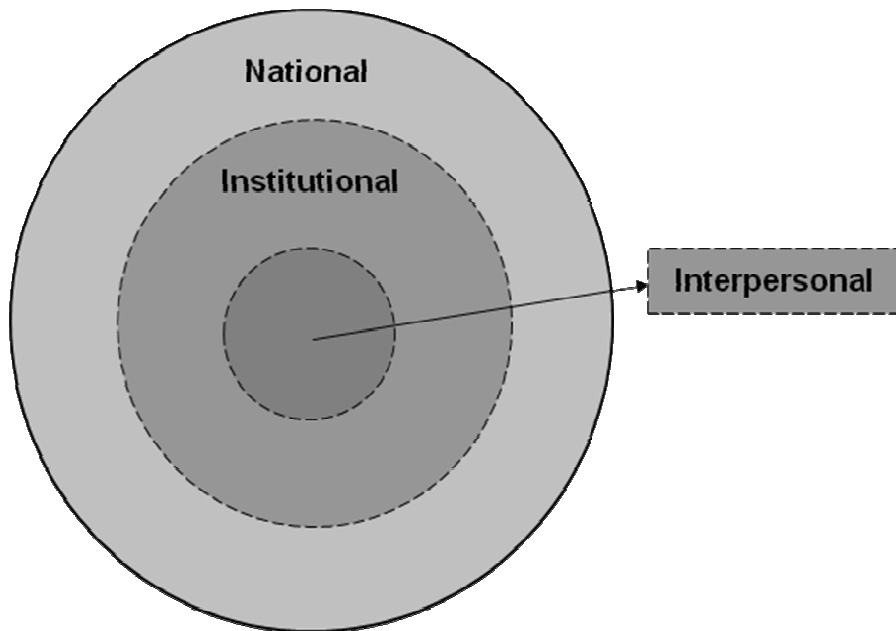
Others in the field of LPP also assert that the LPP ecological landscape is made up of several layers (Calvet, 2006; Hornberger & Johnson, 2007; Mühlhäusler, 2000). Ricento and Hornberger (1996) argue that the ecological LPP landscape can be conceptualized as an onion. Just as an onion has an outer layer, inner layers, and a center, so too are LPP processes made up of an outer layer, inner layers, and a core. Ricento and Hornberger describe the outer and inner layers as such:

[T]he outer layers of the onion are the broad language policy objectives articulated in legislation or high court rulings at the national level, which may then be operationalized in regulations and guidelines; these guidelines are then interpreted and implemented in institutional settings [i.e., the inner layers], which are composed of diverse, situated contexts (e.g., schools, businesses, government offices). (1996, p. 409)

Located in the center of the metaphorical LPP onion are the individual agents who implement language policy. In their investigation of ELT professionals' roles in LPP processes, Ricento and Hornberger (1996, p. 417) place English language teachers at the center of the onion because they act as policy implementers, carrying out language policy created at the national level and interpreted at the institutional level.

Within each of the layers (e.g., national, institutional, and interpersonal) there are several LPP processes that take shape: policy creation, policy interpretation, and policy implementation (Ricento & Hornberger, 1996, p. 409). Each of these processes is undertaken by agents located within the LPP layers (Ricento & Hornberger, 1996, p. 408). Because policies pass through

several layers (and agents with differing language ideologies, agendas, etc.) before they are (or are not) ultimately implemented, there are many opportunities for policies to be modified, ignored, or left unenforced by agents within each layer (Ricento & Hornberger, 1996, pp. 409, 417; Wiley, 1996, p. 104). The LPP onion is conceptualized in Figure 3.1.



*Figure 3.1.* LPP onion: Layers of policy creation, interpretation, and implementation (inspired by Ricento & Hornberger, 1996)

In keeping with the onion metaphor, Ricento and Hornberger (1996) argue for an ecological orientation to examine the multileveled, multilayered LPP processes within which ELT professionals find themselves. To begin, they identify the levels, agents, and processes involved in the creation, interpretation, and implementation of language policy, specifically examining the ways in which ELT professionals (un)knowingly engage in language policy implementation and “how they might affect changes in their local contexts” (Ricento &

Hornberger, 1996, p. 401). Rather than viewing an ELT professional as an agent “who implements what ‘experts’ in the government, board of education, or central school administration have already decided,” Ricento and Hornberger (1996, p. 418) suggest that ELT professionals have the agency to effectuate change within their niches (classrooms) “thereby promoting institutional change that can lead to political and, ultimately, broader social change” within the ecosystems. Together the agents, layers, and processes make up the whole of the language policy and planning ecosphere (Calvet, 2006, pp. 23-24; Hult, 2010, pp. 13-14; Ricento & Hornberger, 1996, p. 419).

### **Ideological and Implementational Spaces within Ecological LPP Landscapes**

Employing an ecology of language orientation to examine the implementation of transformative multilingual language policies in South Africa and Bolivia, Hornberger (2002, p. 30) explicates how these policies open up “ideological and implementational space”<sup>31</sup> in the linguistic landscape to allow for the co-existence of many languages, rather than restricting the environment to a single language. Hornberger (2002) illuminates ways in which South Africa and Bolivia created ideological space within new policy texts to support multilingualism, paving the way for agents to implement these policies within the local contexts. Juxtaposing the policies in these countries with more restrictive policies such as No Child Left Behind in the U.S., Hornberger (2005) suggests that:

it is essential for language educators and language users to fill up implementational spaces with multilingual educational practices, whether with intent to occupy ideological spaces opened up by policies

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<sup>31</sup> Hornberger (2002) coined the term “ideological and implementational space” to refer to discourses within policy texts that can be pried open to promote multilingual education. “Ideology,” as used by Hornberger (2002), is similar to the way in which Scollon and Scollon (2004) use “discourses in place” and “historical bodies.” Ideologies can be defined as “sets of beliefs about language articulated by users as a rationalization or justification of perceived language structure and use” (Silverstein, 1979, as cited in Kroskrity, 1998, p. 104). Discourses in place are concerned with what sets of beliefs are present in a social action while the historical body comprises the sets of beliefs that individuals adopt through their lived experiences (Scollon & Scollon, 2004, pp. 13-14).

or to prod actively toward more favorable ideological spaces in the face of restrictive policies. Ideological spaces created by language and education policies can be seen as carving out implementational spaces at classroom and community levels, but implementational spaces can also serve as wedges to pry open ideological ones. (p. 606)

Taking up the metaphorical onion to explore the ecology of language landscape in the School District of Philadelphia (SDP), Hornberger and Johnson (2007) illustrate how individuals within institutional layers carve out ideological and implementational space to promote multilingualism within national language policy as it moves through the various processes and layers within the LPP onion. As Ball (2006, p. 45) argues, policy texts contain “gaps and spaces” which leaves room for actors to interpret and reinterpret the policies within each of the onion’s layers. Two decades earlier, Baldauf (1982) suggested that it is imperative to know who the individuals involved in LPP processes are because LPP outcomes are influenced by the individuals involved in the processes (as cited in Kaplan & Baldauf, 1996, p. 196). To illustrate this point, Hornberger and Johnson (2007) juxtapose two agents within the institutional layer, SDP: one agent opens up multilingual, implementational space within Title III of the No Child Left Behind Act (NCLB) of 2001 (national language education policy from the outer layer of the onion) and another SDP agent who closes the implementational space.

With the passage of NCLB, SDP officials were charged with developing a district-wide language policy that would fall in line with Title III of NCLB. One SDP official, Dixon-Marquez, advocated adding home language maintenance programs into the district’s language policy because of her belief that traditional bilingual education programs are most effective in helping English language learners acquire English. She pried open implementational space within NCLB to support her position (Hornberger & Johnson, 2007, p. 515). While Dixon-Marquez’s interpretation of Title III opened up implementational space for continuing traditional bilingual instruction, another SDP official, Sanchez, viewed bilingual education as a transition



model to mainstream ELLs into regular classrooms by the time the students reached middle school. Accordingly, she believed Title III “was created to improve English language acquisition programs” to move them into mainstream settings (Hornberger & Johnson, 2007, p. 519). Unlike Dixon-Marquez, Sanchez closed multilingual implementational space that could be carved out of NCLB.

Hornberger and Johnson (2007) contrast these two agents to illustrate the ideological tensions that exist, as Ricento and Hornberger (1996) suggest, among agents within the LPP layers. Moreover, this example demonstrates how policy interpretation and implementation are affected by individual agents’ beliefs about language acquisition and language policy, and how agents can pry open implementational space within policy texts “even when top-down policies begin to close ideological spaces” (Hornberger & Johnson, 2007, p. 512).

Due to the unique LPP processes established in top-down language education policy in the Individuals with Disabilities Education Improvement Act<sup>32</sup> regarding the selection of educational services for deaf children from Spanish-speaking homes as discussed in chapter 2, educational service providers are faced with frequent opportunities to either open up or close down implementational space when creating individualized education plans for students. Similarly, IDEA grants parents “agent” status by requiring their participation in the creation of their children’s IEPs (Coots, 2007, p. 33). Thus, employing an ecologically shaped lens to examine the role of individuals’ decision-making influences LPP processes can bring into focus the languages (both spoken and signed), ideologies about multilingualism and language acquisition, and users of languages that are at play within the academic, social, and home environments of the students (Hornberger & Hult, 2008, p. 282).

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<sup>32</sup> Hereafter IDEA.

As Ricento (2000, p. 208) writes, “the role(s) of individuals and collectivities in the processes of language use, attitudes, and ultimately policies” are important to consider in LPP processes because it is individuals who create, interpret, and implement policies. Therefore, an ecological orientation is most appropriate for exploring the role of individuals’ beliefs about language acquisition in the LPP decision-making process, ideological tensions among agents interacting within multilingual contexts, and competing discourses within the layered contexts (Ricento, 2000, p. 208). However, language ecology is not a theoretical framework nor does it specify any particular set of data collection techniques or analytic methods (Hornberger & Hult, 2008, p. 285; Hult, 2010, p. 10). Thus, a methodological framework that complements an ecological orientation to LPP investigations is needed. Ricento (2000, p. 208) and Hult (2010, pp. 9-10) assert that discourse analytic methods are fruitful for bringing to bear both micro and macro-level discourses within LPP landscapes. Hult (2010) asserts that Scollon and Scollon’s (2004) nexus analysis, a discourse analytic meta-methodology, is “especially well suited to the systematic investigation of LPP discourses, as suggested by an ecological orientation” (Hult, 2010, p. 10).

### **Discourse Analysis through Engaging a Nexus Analysis**

A discourse analytic meta-methodology such as Scollon and Scollon’s (2004, p. 9) nexus analysis is particularly useful for investigating LPP processes because it, like the ecological one, is concerned with examining individuals and processes within interpersonal, organizational, and institutional levels. Specifically, nexus analysis is concerned with studying specific elements of the LPP landscape: discourse and social action. Discourse, according to Scollon and Scollon (2004, p. 2), can be defined as “the use of language to accomplish some

action in the social world.” Discourse takes shape in speech, texts, and images (Scollon & Scollon, 2004, p. 135). Discourse occurs on both micro and macro levels, as seen in a greeting between two friends or a recently enacted education policy. Just as discourse and social action take place on micro and macro scales, discourse and social action can be analyzed on both levels. Unique to a nexus analysis,<sup>33</sup> however, is its ability to identify and understand the links that connect the micro and macro level discourses (Scollon & Scollon, 2004, pp. 8-9).

In order to find the common discursive links within multilayered contexts, Scollon and Scollon (2004, p. 19) suggest researchers identify and examine the three discursive elements of a social action: an individual’s historical body (“life experiences of the individual social actors”), the interaction order (“a meeting, a conversation, a chance contact, a queue”), and the discourses in place (“educational talk, for example”). An individual’s historical body is made up of the person’s life experiences. As Scollon and Scollon (2004, p. 13) suggest, “different people play the same role differently depending on their history of personal experience.” A nutritionist, for example, may play the role of a baker differently than a cake designer based on her background and experiences. Whereas a nutritionist’s experience of finding ways to make sweets more nutritional may lead her to substitute applesauce for vegetable oil, a cake designer may not alter the recipe in order to maintain the consistency of the cake so that the presentation of the cake is maintained when cut.

In addition to a person’s historical body, the interaction order influences the ways in which individuals carry out social actions. The interaction order refers to the ways in which individuals interact with one another given the context within which they are presently situated

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<sup>33</sup>Webster defines *nexus* as “a means of connection; tie; link; a connected series or group; the core or center, as of a matter or situation.” This definition helps one see that the nexus analysis is concerned with the connections, ties, and links among the layers of social action. This dovetails nicely with the metaphoric onion because together—the nexus analysis and the onion—they illustrate how the micro and macro level processes are bound together.

and their role in that interaction (Scollon & Scollon, 2004, p. 13). For example, a company executive attending a dinner at the CEO's home may compliment the chef on the exquisite meal because the executive is surrounded by colleagues in their boss's home. Furthermore, the relationship between the executive and the CEO is one of guest and host. The interaction order would suggest that guests compliment their hosts. However, if the same executive were at a restaurant with friends, she may ask that her overly salted meal be sent back and request a different plate because the interaction order would suggest that she is a paying customer and the chef is there to please her tastes. Thus, the way an individual behaves in a given interaction is influenced by the role the person assumes and the relationship the individual has with the other people in the interaction (Scollon & Scollon, 2004, p. 13).

Discourses in place comprise the third discursive element of social action. Social actions are carried out in a real, physical location (Scollon & Scollon, 2004, p. 14). In the case of the executive, she carried out the social interaction in her CEO's dining room. To illustrate how discourses in place take shape, Scollon and Scollon (2004, p. 21) provide an example of a person who intends to cross the street at a crosswalk. The discourses in place include the street signs, lights, and even flyers taped to the street lamps. In addition to the physical discourses in place, there are also broader discourses in place about how to cross the street. Regulatory discourses involve crossing only when the sign indicates that pedestrians have the right-of-way. Given the multiplicity of discourses that exist where the person is standing on the sidewalk waiting to cross, the person relies on her historical body and the interaction order to attend to some discourses (the color of the traffic light) while ignoring other discourses in place (the flyers on the street lamp). By identifying the historical bodies, interaction order, and discourses in place as demonstrated through these three examples, Hult (2010, p. 10) suggests that one can "account

for relationships between individual social actions and circulating discourses across dimensions of social context.”

Engaging a nexus analysis to examine the circulating discourses within LPP situations requires a researcher to draw upon methodological tools taken from the fields of interactional sociolinguistics, ethnography of communication, and critical discourse analysis (Hult, 2010, p. 10). Scollon and Scollon (2004, pp. 171-177) describe these tools and suggest how to use them in concert. First, a researcher must identify where the social action (or LPP process) under study transpires; this location is known as the site of engagement which becomes a nexus of practice when the social action is repeated regularly (Scollon & Scollon, 2004, pp. 12, 152-183). In the case of selecting educational services for deaf children, one site of engagement might be a conference room where parents and ESPs meet to discuss the services available for deaf children. This site of engagement would become a nexus of practice when parents continued to meet with ESPs in a conference room to discuss students’ educational programs. After locating the nexus of practice, one would then turn the analytic lens to individuals’ historical bodies, the interaction order involved in an IEP meeting, and the discourses in place within the IEP nexus of practice in order to capture the discourses that take shape within micro and macro levels (Scollon & Scollon, 2004, pp. 154-155) .

Placing an ecologically shaped lens into a nexus analysis methodological framework to examine LPP landscapes, such as implementing language policy for deaf children, can ensure that the processes, individuals, and discourses operating within and among the various layers are identified and analyzed. Whereas language ecology orients the lens through which LPP processes are examined, a nexus analysis directs the lens to focus in on social actions taking place within different dimensions of the LPP system (Hult, 2010, p. 10). Just as Cooper’s (1989,

p. 98) question begins with individuals (“What *actors* attempt to influence what *behaviors...*”), an ecological orientation to investigating LPP systems and nexus analysis are equally interested in the role that individuals play in LPP activities.

### **LPP Processes in a Texas School District Explored**

The discussion now turns to address the case study I conducted in a Texas school district where I employed an ecological approach to investigate the implementation of IDEA through the creation of students’ IEPs. Blending an ecological orientation with nexus analysis, I aim to identify the discourses in place surrounding IDEA, investigate how IDEA functions as *de facto* language policy for deaf students, and uncover the discourses in place surrounding the implementation of IDEA within the local context. With the recent increase in the number of deaf children from Spanish-speaking homes entering the public school systems both in Texas and throughout the U.S., and with forecasts indicating the numbers will continue to rise (as discussed in chapter 1), this study responds to the growing need to examine the LPP landscape that influences the linguistic and academic development of deaf students from Spanish-speaking homes.

By exploring and documenting the experiences of educational service providers and Spanish-speaking parents engaged in the process of securing educational services for deaf children from Spanish-speaking homes, I hope to contribute to the body of existing research that seeks to better understand the LPP processes surrounding language policy interpretation and implementation. Furthermore, bringing to light the discourses in place that create the processes and practices within the IEP decision-making process may help change the nexus of practice.

## **Research Questions and Study Design**

Having established the need to explore these LPP processes and with particular interest in examining the relationships among agents and policies within the metaphorical onion (Hornberger & Hult, 2008; Ricento & Hornberger, 1996), this qualitative, exploratory case study was designed to take up the following three research questions in a Texas public school district:

1. How are relationships among federal, state, and local policies reflected in the services provided to deaf children at Emerson Independent School District?
2. How do educational service providers at Moore Middle School experience the process of engaging Spanish-speaking parents in learning about and securing educational services for deaf children?
3. How do Spanish-speaking parents experience the process of learning about and securing educational services for their deaf children at Moore Middle School?

Blending discourse-analytic methods and an ecological conceptual orientation to LPP allows for a thorough exploration of the multilayered and multifaceted ecology of LPP at Emerson Independent School District and Moore Middle School as set forth in the research questions guiding the present study. A qualitative, exploratory case study design was chosen for this research because, like ecology of language and nexus analysis, it allows researchers to construct their research such that one unit of analysis can be selected for study, while also examining additional units that are embedded in the greater unit of analysis (Duff, 2008, p. 112; Yin, 2006, pp. 50-53). The unit of analysis or focal point of this case study is the LPP practice of selecting educational services for deaf children from Spanish-speaking homes. Embedded within this unit of analysis are the policies that define the LPP landscape, the layers within the landscape (federal, state, district, and campus), the agents within the layers, and the LPP processes that influence the educational services selected for deaf children.

Employing a case study research design is also appropriate in answering the research questions because case studies allow for the evaluation of policies and practices (Nunan, 1992, p. 77), closely examine processes and individuals (Creswell, 2009, p. 13) in the context within which they operate (Nunan, 1992, p. 79), and utilize a constellation of complementary data collection procedures (Perry, 2005, p. 77) to increase the reliability and validity of the research findings (Angrosino, 2007, p. 35).

### **Setting and Participants<sup>34</sup>**

The present study seeks to answer the aforementioned questions by peering first into the core of the onion—the interpersonal layer. As such, a school campus was chosen. Moore Middle School<sup>35</sup> was selected for two principal reasons. First, Moore Middle School is recognized by many school districts within the region for its strong deaf education program tailored to students who use sign language as their primary mode of communication. Students from across the district (Emerson Independent School District) attend Moore Middle School. Consequently, the educational service providers at Emerson ISD have extensive experience working with Spanish-speaking parents of deaf students from various geographic areas within the district. The educational service providers at Moore Middle School are well acquainted with the unique challenges of collaborating with Spanish-speaking parents in negotiating educational services for students.

The second reason for selecting Moore Middle School as the focal point of the study was in keeping with the principles of nexus analysis: establish a zone of identification. Scollon and Scollon (2004, p. 11) describe the zone of identification as a location where the nexus of practice

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<sup>34</sup> Some demographic information and a detailed description of Moore Middle School and Emerson Independent School District are intentionally withheld in an attempt to protect the identities of the participants.

<sup>35</sup> Pseudonyms are given to the school district and school campuses.



under study occurs. In order to fully access the nexus of practice, one must be recognized as a legitimate participant within the zone of identification. Gaining access to Moore Middle School was facilitated through my former relationship with Emerson ISD. A few years ago I collaborated with Emerson ISD and other community officials on a deaf education project. During our time together, I developed a close working relationship with an agent from Emerson ISD. This relationship proved helpful in gaining access to Moore Middle School and being accepted as a legitimate participant. While Emerson ISD does not typically allow research studies of this nature to be conducted in their school district, with the help of my colleague I was granted special permission by Emerson ISD district officials and Moore Middle School's principal to conduct this research study.

Moore Middle School is located in a suburb of a major city in Texas. The demographic make-up of students in Texas for the 2008-2009 academic school year was as follows: Hispanic 47%, White 35%, African American 14%, Native American 0.3%, Asian/Pacific Islander 3.4%,<sup>36</sup> Comparing the demographic makeup of the student population at Emerson ISD to the state average, African Americans are slightly underrepresented and Caucasians are significantly underrepresented. Compared to the state average, significantly more Latinos attend Emerson ISD, nearly 20% more. On standardized assessments, Emerson ISD student scores are on par with the state average.

Mapping the layers of inquiry for the present case study onto Ricento and Hornberger's (1996) metaphorical LPP onion (see Figure 3.2), Moore Middle School is located within Emerson ISD. Emerson ISD, like all school districts in Texas, is held accountable for complying with state and federal legislation. At the state level, the Texas Administrative Code Chapter 89

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<sup>36</sup> Demographic labels used here are taken from the Texas Education Agency's report.

(TAC) and Texas Education Code Chapter 29 (TEC) comprise the state layer with IDEA serving as the outer layer of the LPP onion.

Individual agents work within (and in some cases among) the campus, district, state, and federal layers. For this study, a total of 16 participants within the campus, district, and state layers took part (see Appendix B). Two participants within the state layer were interviewed, seven individuals from the district layer took part, and four people at the campus layer also agreed to participate in the study. Of the four Spanish-speaking mothers invited to participate in the study, two took part. One mother, Nudy, is a monolingual Spanish speaker. The second mother, Paloma, has strong basic interpersonal communication skills in English but prefers to communicate in her native tongue.

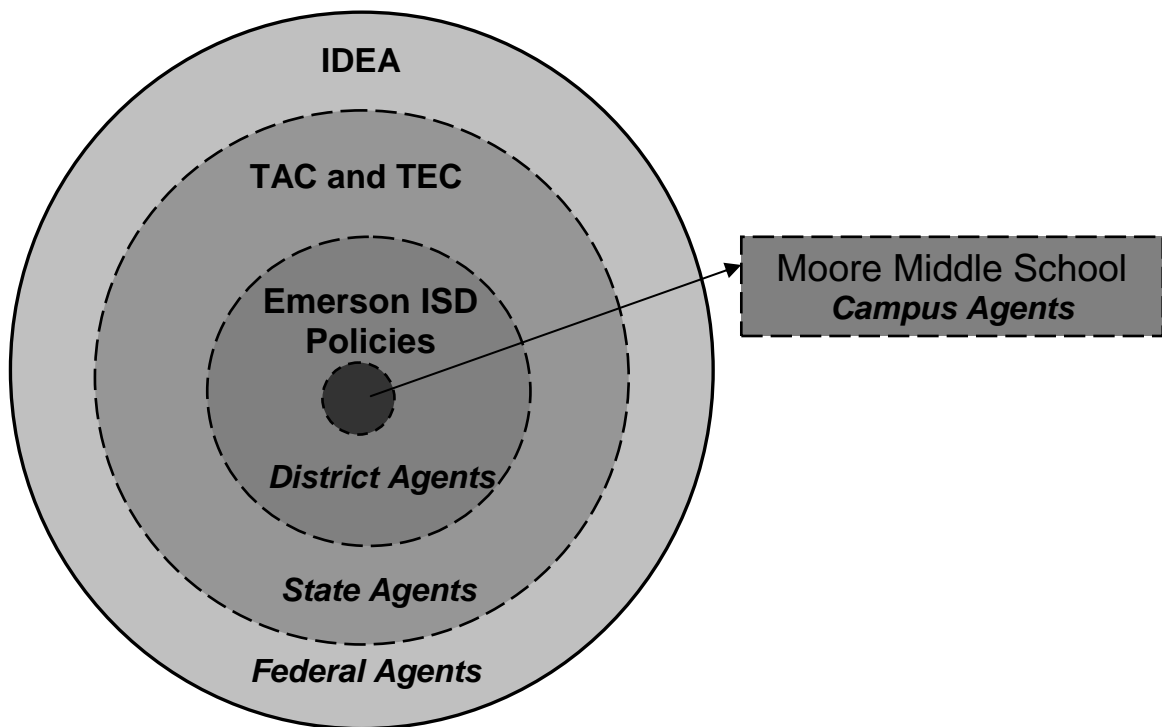


Figure 3.2. Layers of the LPP onion at Moore Middle School (inspired by Ricento & Hornberger, 1996)

## **Data Collection and Analysis**

The data collection methods employed in this study include policy document collection (Creswell, 2009), semi-structured interviews (Seidman, 2006), digital audio-recordings of interviews (Duff, 2008), and fieldnote-taking during observations of interactions between educational service providers and Spanish-speaking parents (Creswell, 2009; Emerson, Fretz & Shaw, 1995; Perry, 2005). These data collection procedures generated the data needed in order to answer the research questions.

To answer the first research question (and to capture the discourses in place), federal, state, and district policies that govern educational services were identified and collected. The primary policy texts collected include (a) the Individuals with Disabilities Education Improvement Act of 2004, (b) the Texas Administrative Code Chapter 89, (c) the Texas Education Code Chapter 29, and (d) Emerson ISD's board policies. Using Yanow's (2000) question guided the policy text analysis: "How is the policy issue being framed by the various parties to the debate?" (2000, p. 11). Yanow's question dovetails nicely with Scollon and Scollon's (2004) critical approaches to discourse.

Critical discourse analysis is concerned with examining what kinds of discourses are present in policy texts as well as how these discourses are embedded within individual practice and a person's historical body (Scollon & Scollon, 2004, p. 173). Although policy text analyses "can capture the confluence of histories, attitudes, and ideologies that engender a language policy," Hornberger and Johnson (2007) argue that they "cannot account for how the creation is interpreted and implemented in the various contextual layers through which a language policy must pass" (p. 511). Thus, the second and third research questions are included in the study to investigate the LPP interpretation and implementation processes.

In an attempt to peer into the historical bodies of the agents involved in the IEP process, semi-structured interviews were conducted with the participants. As Scollon and Scollon (2004, p. 160) suggest, capturing an agent's historical body does not require "a full history of each of the social actors involved in the nexus of practice." Rather, the researcher's goal in a nexus analysis is "to understand how the action-practice and the mediational means [under study] came into the historical body of each of the participants" (Scollon & Scollon, 2004, p. 160). Semi-structured interviewing, then, serve as an appropriate method by which to examine ESPs' and parents' reported experiences taking part in the IEP process, thus gaining access to their historical bodies. However, conducting longitudinal ethnographies would shed light on how individuals' historical bodies develop and change over time.

Study participants were interviewed using a semi-structured interview technique<sup>37</sup> suggested by Duff (2008, pp. 132-138).<sup>38</sup> The interview guidelines were adapted from work by Corson (1999) and King (2001). I conducted all of the interviews at mutually agreed upon locations which included schools, offices, participants' homes, a restaurant, and a coffee shop (see Appendix B for a list of participants interviewed). The interviews were conducted in Spanish, English, and American Sign Language. Fifteen of 16 interviews were either audio-recorded or video-recorded (in the case of a deaf participant). One district level participant requested that the interview not be recorded. I then transcribed each of the audio-recordings using a basic transcription convention outlined by Rapley (2007, p. 52). The video-recording was translated following Gile's translation method (2009).

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<sup>37</sup> See Appendix A for the interview guideline used during the semi-structured interviews.

<sup>38</sup> The interview guidelines were piloted with two educational service providers and one Spanish-speaking parent who did not take part in the actual case study (Seidman, 2006, pp. 38-39). As Scollon and Scollon (2004, pp. 157-158) suggest, piloting the study to ensure that the researcher has identified "the most crucial scenes, participants, and mediated actions relevant to the social issue" under study allows one to make changes to the study if need be, ultimately strengthening the integrity of the final study.

Observations were also conducted as part of the study. I observed interactions between educational service providers and Spanish-speaking parents, writing fieldnotes to capture rich points that emerged during those interactions (Agar, 1996). Fieldnote-taking is a method for “capturing and preserving the insights and understandings stimulated” (Emerson et al., 1995, p. 10) by these interactions and “notes aspects of the [interactions] that merit follow up” (Duff, 2008, p. 141). During the course of the study, I observed interactions between ESPs and Spanish-speaking parents at a yearly district event that draws in hundreds of people from across the district, including parents, teachers, and administrators. I also observed a state-wide conference for special education professionals in addition to a district-wide training meeting.

In preparation for coding and analyzing the data, the transcriptions and fieldnotes were organized in a notebook. Following the qualitative case study tradition, an inductive interpretive approach was taken in analyzing the interview transcripts, policy documents, and fieldnotes (Duff, 2008, pp. 159-172; Merriam, 1998, pp. 155-177; Saldaña, 2009, pp. 70-73; Seidman, 2006, pp. 117-118). Employing an inductive interpretive approach to data analysis allows the researcher to “reach across multiple data sources (recordings, artifacts, diaries)” (Miles & Huberman, 1994, p. 8) by coding the data so as to identify patterns and produce explanations for the phenomena under study (Angrosino, 2007, p. 15; Duff, 2008, p. 163). Specifically, I employ Scollon and Scollon’s (2004) critical discourse analysis to understand the participants’ historical bodies in implementing IDEA, the interaction order that suggests actions be undertaken by various individuals in the IEP construction process, and the discourses in place within each of the layers of the LPP process (state, district, and campus layers of the metaphorical onion).

Built into this qualitative research design are a variety of data collection procedures from multiple sources. This approach provides “a cumulative view of data drawn from different

contexts” that enables the researcher to “triangulate the ‘true’ state of affairs by examining where the different data intersect” (Silverman, 2006, p. 302). For purposes of this study, the data include policy texts, participant interviews, and field observations. Triangulating the data strengthens the internal validity of the case study’s findings (Potter, 1996, p. 154), provides detailed descriptions, analyses, and interpretations of the LPP implementation processes the study seeks to understand (Marshall & Rossman, 1989, p. 19), and invites a rich description of the discourses in place (Scollon & Scollon, 2004, p. 14) within the national, state, district, and campus layers of the LPP onion. Drawing upon these discourse analytic tools, the next chapter presents the analysis of the federal, state, and local special education policies to explicate how they function as *de facto* language policy.

**CHAPTER 4**  
**IMPLEMENTING LANGUAGE POLICY FOR DEAF STUDENTS**  
**AT EMERSON ISD**

“It is important to recognize the complex interplay among the federal law, state laws and regulations, and actual practice at the district and school levels.”

(John Vaughn, National Council on Disability, 2008, p. 1)

“Policy is made as it is being administered and administered as it is being made.”

(Anderson, 1975, p. 79, as cited in Hill & Hupe, 2009, p. 7)

**Introduction**

In order to understand the policies reflected in services provided to deaf children at Emerson ISD, one must first look to the outer layers of the LPP union in order to understand the LPP landscape within which the school district is situated. As one participant suggested, the federal regulations act as a fence that set boundaries within which special education professionals can legally operate (Interview, May 27, 2009). Accordingly, this chapter begins with a textual analysis of the federal, state, and district policies that make up the LPP special education union, highlighting the gaps and spaces within the policies that can be pried open to promote multilingual, multimodal educational contexts for deaf students. As discussed in chapter 3, one cannot assume that “policy texts necessitate inevitable educational outcomes” (Johnson, 2004, p. 81). Rather, individuals (un)knowingly exercise their agency to interpret and implement top-down policies within local contexts (Johnson, 2010, p. 75). With this understanding, I next present agents’ experiences interpreting and implementing the policies for deaf children at Emerson ISD showcasing how their historical bodies (namely, their language

ideologies and beliefs about education policy) influence their behavior in the interaction order of implementing IDEA and the degree to which they open up or close down multilingual, multimodal implementational space within deaf education policies.

### **Policy Layers**

Within the LPP onion, deaf education policies exist within the federal, state, and district layers. Recalling the presentation in chapter 2, IDEA comprises the outer layer of the LPP onion and the outer most perimeter of the legislative fence. At the state level, Texas Administrative Code Chapter 89 and Texas Education Code Chapter 29 Subchapter I present the Texas legislature's interpretation of IDEA. Finally, Emerson ISD's board policies make up the inner layer of the LPP onion. While it may seem that discourses in place suggest that policies prescribe specific educational contexts for deaf students, this is not necessarily the case. Implementational space can be and is carved out by campus agents when implementing these provisions resulting in either multilingual, multimodal educational contexts for deaf students or more isolating ones. Accordingly, I begin by offering a textual analysis of policies within the federal, state, and district layers to demonstrate how they function as *de facto* language policy and proffer ways in which parents and educational service providers can open up space within policy texts to promote language and communication rich educational environments for deaf students, thus challenging the dominant discourses in place.

#### **Federal Layer: IDEA**

As discussed in chapter 2, three major provisions of IDEA comprise the federal legislation: free appropriate public education (FAPE), least restrictive environment (LRE), and



the individualized education plan (IEP). To ensure students receive a FAPE, an IEP must be developed for each student in special education. The IEP contains the student's present academic and functional (e.g., communication, behavior) performance and establishes goals for the following academic year. In the case of deaf students, IEP teams must also consider the extent to which deaf students have opportunities for direct communication with deaf peers and professionals. Based on the IEP goals, the IEP team determines which educational context is the LRE for children to achieve their academic and communication goals. The IEP document is:

- 1 a statement of measurable annual goals, including academic and *functional [communication] goals*,
- 2 designed to *meet the child's needs that result from the child's disability* to enable the child to be
- 3 involved in and make progress in the general education curriculum; and meet each of the child's other
- 4 educational needs that *result from the child's disability* [emphasis added]. (IDEA, 2004, §
- 5 614(d)(1)(A)(i)(II))

For deaf students, the functional goals include language goals for developing language proficiency in both English and ASL (if the deaf child uses ASL to communicate) (Interview, November 21, 2009). Deaf students' ability to "be involved in and make progress in the general education curriculum" (lines 2-3) is often contingent upon whether or not the students' communication needs are met. In order for deaf students to access the general education curriculum, they need to be able to understand the language(s) in which the curriculum is presented.<sup>39</sup> Additionally, one might proffer that "the child's other educational needs" (lines 3-4) include the development of language and communication in modes that differ from those found in a regular education classroom. Thus, an educational environment that allows students to meet both their academic and functional goals is one that supports deaf students' multilingual-multimodal communication modes.

IEP team members determine the IEP goals as well as the LRE by considering the following factors: the student's current academic performance; parents' concerns for enhancing

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<sup>39</sup> This is also the case for English language learners who are hearing. See *Lau v. Nichols* (1974).

their child's education; evaluation results; and the child's academic and functional needs (IDEA, 2004, § 614(d)(3)(A)). In the 1997 reauthorization of IDEA, a fifth factor was added to the list of considerations. The IEP team "shall" also consider, "in the case of a child who is deaf," "the child's language and communication needs" which include:

opportunities for direct communications with peers and professional personnel in *the child's language and communication mode*, academic level, and full range of needs, including opportunities for direct instruction in *the child's language and communication mode* [emphasis added]. (IDEA, 2004, § 614(d)(3)(B)(iv))

This fifth factor presents a direct challenge to the LRE requirement. While the dominant interpretation of LRE suggests that the regular education classroom is the most appropriate placement for students with disabilities, IDEA also requires that IEP teams consider students' communication needs. The regular education classroom provides deaf students with access to the general curriculum and access to nondisabled peers. However, it oftentimes does not provide deaf children with "opportunities for direct communication with peers and professional personnel" and students often do not receive direct instruction in their language or communication mode. Thus, tensions exists between "ensuring [deaf children's] access to the general education curriculum in the regular classroom, to the maximum extent possible" (IDEA, 2004, § 682 (c)(5)(A)) and ensuring that deaf children have unrestricted access to language and communication (IDEA, 2004, § 614(d)(3)(B)(iv)).

In its report to Congress, the Commission on Education of the Deaf (1988) addressed these tensions that arise when weighing the degree to which the LRE, children's individual needs, and children's access to language provisions should be considered in making a placement decision. The most common discourse in place that arose in its investigation into the quality of education of deaf students was the "widespread" misinterpretation and misapplication of the LRE provision in the case of deaf students: "Too often, deaf children have been placed in improper educational settings because educational agencies have prioritized placement with

[nondisabled] students in the least restrictive environment above placement which is most appropriate for the individual child” (Commission on Education of the Deaf, 1988, p. 7).

Subsequent guidance and regulations from the U.S. Department of Education echo the Commission’s call: children’s individual needs must be the driving force for determining the appropriate educational context within which children can achieve their IEP goals (Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, 2006; U.S. Department of Education, 1992).

When IEP teams are considering the appropriate educational placement for a deaf child, the LRE provision is one that must be considered:

To the maximum extent *appropriate*, children with disabilities...are educated with children who are not disabled, and...removal of children with disabilities from the regular educational environment occurs only when the *nature* or *severity of the disability* of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [emphasis added]. (IDEA, 2004, § 612(a)(5))

As indicated by the Commission on Education of the Deaf (1988), more often than not the interpretation of LRE has led to deaf students being placed in the regular education classroom.

The discourse underpinning the LRE provision is that children with disabilities benefit from interactions with nondisabled peers because nondisabled students serve as language models.

Because the “nature” of deafness is such that hearing students often do not serve as language models for deaf students, placement in regular education classrooms is often inappropriate even with supplementary services such as itinerant deaf education teachers and signed language interpreters. Given that the LRE provision recognizes “appropriate” placements will vary based on the “nature...of the disability of a child” (IDEA, 2004, § 612(a)(5)), it is both consistent and entirely appropriate under IDEA for IEP teams to adopt this seemingly counter discourse and advocate for placement options in self-contained classrooms, Regional Day School Programs, and schools for the deaf to meet children’s individual needs.

The Regulations of the Offices of the Department of Education, which are codified in Title 34, Subtitle B of the Code of Federal Regulations,<sup>40</sup> seem to further strengthen the LRE provision by outlining which provisions must be considered when determining the child's placement. The CFR states:

*In determining the educational placement of a child with a disability...each [school district] must ensure that—*  
The placement decision—  
*Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and*  
*Is made in conformity with the LRE provisions ...*  
The child's placement—  
Is determined at least annually;  
Is based on the child's IEP; and  
Is as close as possible to the child's home [emphasis added]. (CFR, 2010, § 300.116 *et seq.*)

If the order in which the requirements are listed is an indication of importance, LRE is the first provision that must be considered when determining which educational placement option is appropriate. The CFR seems to prioritize for IEP teams the competing discourses among children's academic and functional goals, access to language and communication, and LRE. First, in keeping with the LRE provision teams must ensure children with disabilities are educated alongside nondisabled peers. Second, children's individual needs and goals should be considered in determining the appropriate placement context. While this may seem to close down multilingual, multimodal implementational space, Texas legislation capitalizes on the ideological spaces found within IDEA's IEP and LRE provisions to place children's needs as the primary consideration that drives placement decisions.

### **State Layer: Texas Policies**

Texas Administrative Code Chapter 89 (2009) and Texas Education Code Chapter 29, Subchapter I (2007) are the two principle policies that govern special education and deaf

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<sup>40</sup> Hereafter CFR.

education in Texas. Whereas the child’s individual needs are couched within the LRE provision as outlined in the Regulations of the Offices of the Department of Education (CFR), the Texas Administrative Code places the students’ individual needs as the primary factor to consider when selecting the appropriate placement option in an effort to counteract the prevailing discourse in place, the LRE. The Texas Administrative Code Chapter 89 states:

*Instructional Arrangements and Settings.*

- (a) Each local school district shall be able to provide services with special education personnel to students with disabilities in order to *meet the special needs of those students...*
- (b) ...for the purpose of determining the student's instructional arrangement/setting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee.
- (c) Instructional arrangements/settings *shall be based on the individual needs and individualized education programs (IEPs) of eligible students receiving special education services...*[emphasis added]. (TAC, 2009, §89.63)

Not only does this provision set students’ needs at the forefront of the placement decision discussion by opening up ideological space in IDEA’s IEP provision, but this provision also narrows LRE’s ideological space within IDEA. There is no reference to or mention of the LRE provision in the Instructional Arrangements and Settings subsection of the Texas Administrative Code; similarly, there is no use of the term “least restrictive environment” (TAC, 2009, §89.63).<sup>41</sup>

In addition to widening space for recognizing students’ individual needs, Texas legislators also carve out ideological space within IDEA to consider deaf students’ unique communication needs. In 1995, Texas adopted the Deaf Child’s Bill of Rights in Texas Education Code Chapter 29 which widens the significance of deaf children’s unique communication needs from a few lines in IDEA to a subchapter six pages in length (IDEA, 2004, § 614(d)(3)(B)(iv); TEC, 2007). Chapter 29 of the Texas Education Code begins by recognizing

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<sup>41</sup> LRE is used in other subchapters of the legislation. See Subchapter AA Commissioner's Rules Concerning Special Education Services (TAC, 2009). When used in Subchapter AA, LRE is to be considered when placing students in private schools or residential facilities.

ASL as “a complex, visual, and manual language with its own grammar and syntax” (2007, § 29.301(2)); it then enumerates several rights granted to deaf students within the state of Texas:

1. An education “in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.” (§ 29.303)
2. Access to instruction in students’ unique communication modes. (§ 29.304)
3. An education alongside “peers using the same language mode and with whom the student can communicate directly.” (§ 29.305)
4. Exposure to deaf role models. (§ 29.307)
5. Access to Regional Day School Programs that “meet the unique communication needs of students who can benefit from those programs.” (§ 29.308)

Prior to outlining these rights, the policy document states “that it is essential for the well-being and growth of students who are deaf or hard of hearing that educational programs recognize the unique nature of deafness and the hard-of-hearing condition”; as such, the purpose of TEC Chapter 29 (2007) is to “ensure that all students who are deaf or hard of hearing have appropriate, ongoing, and fully accessible educational opportunities” (§ 29.302). Juxtaposing the two policies in Table 4.1 one can see the extent to which agents within the state layer opened up ideological space within IDEA to explicate the role of students’ language and communication in deaf education, creating a discourse in place that supports multilingual education for deaf students in Texas.

Table 4.1. Access to communication as an IEP consideration: IDEA vs. TEC

<b>IDEA (2004)</b>	<b>TEC Chapter 29 (1995 [2007])</b>
<p>“...consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.” (§ 614(d)(3)(B)(iv))</p>	<p>“UNIQUE COMMUNICATION. Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.” (§ 29.303)</p> <p>“QUALIFICATIONS OF PERSONNEL. (a) A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of students who are deaf or hard of hearing either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available.</p> <p>(b) Each school district shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the school district, and shall make positive efforts to employ qualified individuals with disabilities.</p> <p>(c) Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.” (§ 29.304)</p> <p>“LANGUAGE MODE PEERS. If practicable and not in conflict with any admission, review, and dismissal committee recommendations, a student who is deaf or hard of hearing must have an education in the company of a sufficient number of peers using the same language mode and with whom the student can communicate directly. If practicable, the peers must be of the same or approximately the same age and ability.” (§ 29.305)</p> <p>“ROLE MODELS. A student who is deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models.” (§ 29.307)</p> <p>“REGIONAL PROGRAMS. Regional programs for students who are deaf or hard of hearing shall meet the unique communication needs of students who can benefit from those programs. Appropriate funding for those programs shall be consistent with federal and state law, and money appropriated to school districts for educational programs and services for students who are deaf or hard of hearing may not be allocated or used for any other program or service.” (§ 29.308)</p>

While the discourses in place at the federal level require IEP team members to “consider the communication needs of the child” (IDEA, 2004, § 614(d)(3)(B)(iv)), agents within the Texas legislature pried open this ideological space to strengthen the importance of students’ communication needs by stating that deaf students “must have an education in which their unique communication mode is respected” (TEC, 2007, § 29.303). Additionally, the discourses

in place at the state level expand the scope of deaf students' communication rights to include the development of their communication mode "to an appropriate level of proficiency" (TEC, 2007, § 29.303), which is not addressed in the federal policy text. Furthermore, TEC § 29.308 legislates regional day school programs for deaf students, clearly prying open ideological space within IDEA (2004, § 614(d)(3)(B)(iv)).

### **District Layer: Emerson ISD Board Policies<sup>42</sup>**

While agents within the state layer of the LPP union had only IDEA to look to find ideological and implementational space to open up, Emerson ISD agents can look to policies within both the federal and state layers when creating district board policies. As such, the board policies include definitions from IDEA, the Texas Administrative Code Chapter 89,<sup>43</sup> and Texas Education Code Chapter 29<sup>44</sup> to outline special education at Emerson ISD. As a whole, the board policies governing special education (and deaf education more specifically) cite more from TAC and TEC than from IDEA. To begin, Emerson ISD leans towards TAC's definition of student placement with the individual needs of the students being the most important factor. Similar to TAC, there is no mention of the least restrictive environment provision. Unlike the TAC, the board policies adopt IDEA's definition of LRE verbatim. Second, the board policies more closely resemble the length and breadth of TEC's provisions. One noteworthy distinction between the TEC and the board policies, however, is that Emerson ISD does not widen the ideological space within IDEA's provision to consider the unique communication needs of deaf students as does TEC. Rather, the Language Mode Peers provision found in TEC (2007, §

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<sup>42</sup> In an attempt to maintain the anonymity of the school district, excerpts of Emerson ISD's board policies are withheld. Additionally, the board policies are discussed in more general terms.

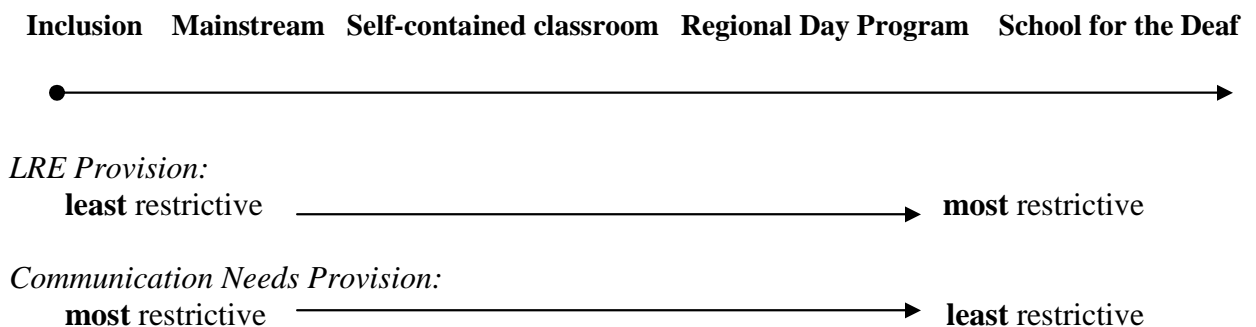
<sup>43</sup> Hereafter TAC.

<sup>44</sup> Hereafter TEC.



29.305) granting deaf students the right to be educated alongside their language peers is omitted from Emerson ISD's board policies.

In sum, the policy layers that make up the LPP onion at Emerson ISD abound with opportunities for opening up or closing down ideological and implementational space. The competing discourses that run through each of the policies include students' individual needs, unique communication needs, and the LRE. Mapping the discourse tensions between the LRE and communication needs onto the continuum of educational placements for deaf students in Figure 4.1, one can see the tensions that exist between meeting IDEA's LRE requirement while simultaneously ensuring students have access to language peers.



*Figure 4.1.* Tensions within IDEA influencing placement decisions in deaf education (inspired by Cerney, 2007, p. xiv)

The dominant discourses in place surrounding the LRE provision suggest that an inclusion setting (e.g., regular education classroom) is the least restrictive environment for students with disabilities because they are surrounded by nondisabled students who serve as language and behavior models. In an inclusion setting students with disabilities are in a position to interact with peers who are nondisabled. Following this ideological perspective across the continuum of placement options, the further one moves along the continuum, the more restrictive

the environment becomes because the deaf student has fewer opportunities to engage with nondisabled students. Turning to the discourses in place surrounding the communication needs provision in IDEA, an inclusion setting is the most restrictive setting for deaf students because their ability to communicate with nondisabled peers and teachers is limited because hearing peers and teachers communicate in spoken language while oftentimes deaf students communicate in signed language. The further one moves along the continuum the less restrictive communication becomes in each of the placement settings because students have increased access to peers and teachers who also communicate in signed language.

While a strict interpretation of IDEA seems to favor the LRE provision as the primary factor in determining placement decisions, IDEA does allow IEP teams to place students in other educational contexts when the nature of the disability is such that the regular education environment is inappropriate for students to achieve their IEP goals (IDEA, 2004, § 612(a)(5)). TAC appears to place children's individual needs at the top of the list of considerations when determining the LRE. TEC opens up ideological space within IDEA through the enactment of the Deaf Children's Bill of Rights. Emerson ISD board policies blend policies from both the federal and state layers, opening up ideological and implementational space within IDEA to promote more multilingual, multimodal educational contexts, but not opening the space perhaps as widely as does TAC and TEC.

Understanding and weighing the competing discourses within special education policy is imperative because these policies function as *de facto* language policy for deaf students. Recalling the discussion in chapter 2 contextualizing the sociopolitical environment within which IDEA was created and passed, the purpose of IDEA was to eliminate discrimination against children with disabilities through exclusion from public school and guarantee students

with disabilities the right to an education alongside nondisabled students (Johnson, 2000, p. 7; Ramsey, 1994, p. 43). It was not constructed as a *de jure* language policy for deaf students.

Which educational context deaf students are placed in greatly influences their language development. Schools for the deaf and deaf education classrooms provide students with access to direct communication with peers and adults who share similar language and communication modes. Inclusion settings often hinder deaf students' participation in class and limit opportunities for interaction with peers and adults. Thus, the creation of individualized education plans serves as *de facto* language planning. I now turn to examine ways in which educational service providers engage with these *de facto* language policies when determining educational services for deaf students within the state, district, and campus layers.

### **Carving Out Implementational Space: Agents in Texas and at Emerson ISD**

Ultimately, it is individuals within the LPP layers who exercise their agency to create, interpret, and implement policies (Ball, 2006, pp. 45-46; Ricento & Hornberger, 1996, p. 409). IDEA instructs agents to determine which educational placement is appropriate for each deaf student. Language ideologies color the interpretive lenses of LPP agents (Hornberger & Johnson, p. 520). As such, I present a snapshot of three individuals who are situated within the state, district, and campus layers of the LPP onion to illuminate how their historical bodies and respective language ideologies affect the interpretation and implementation of the federal, state, and district policies presented above. These individuals include a Texas Education Agency director, Emerson ISD's special education attorney, and the audiologist from American Heritage Elementary School.

The relationships among these individuals are unique. The campus level agent writing a student's IEP looks to EISD's attorney for policy guidance. EISD's attorney, in turn, is concerned with how TEA interprets IDEA. Finally, TEA must comply with federal legislation and regulations. Individuals within the outer layers are concerned with how the agents in the inner layers and the core of the onion are interpreting the policies and directives from the outer layers. By focusing on agents within these layers, I attempt to unpeel what Vaughn describes as the "complex interplay among the federal law, state laws and regulations, and actual practice at the district and school levels" (National Council on Disability, 2008, p.12). Recalling Figure 3.2, I begin with the state layer.

### **State Agent: TEA Director of Deaf and Hard of Hearing Services**

Scott Lamm joined the policy division of Texas Education Agency (TEA) as the director of deaf and hard of hearing services in 2006. His responsibilities are three-fold. First, he provides guidance to school districts to ensure that "they are meeting all of the policies or all of the requirements of [IDEA]" (Interview, June 15, 2009). Second, when federal legislation changes, Scott liaises between TEA and the general public to solicit input from community stakeholders (e.g., deaf education teachers, parents of deaf children, and school administrators) regarding proposed changes to state regulations. Third, Scott works with education service centers across Texas to develop deaf education support and training materials for school districts and parents. Prior to accepting the position at TEA, Scott worked at a school for the deaf, served as an administrator at a regional day school program for the deaf, and spent many years as a deaf education teacher.<sup>45</sup> Although Scott describes deafness as a communication disability, he argues

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<sup>45</sup> See Appendix C for a list of participants' backgrounds.

that “American Sign Language is not a communication mode; it’s...a very intact, functional language” (Interview, June 15, 2009).

When asked about federal policies that govern deaf education, Scott named two provisions of IDEA that are important for deaf students: interpreting services and an opportunity for students to communicate with peers and professionals. He explains:

[K]ids need to have opportunities to have a set of communication peers that they can communicate with, that they can interact with, that are sort of at the same age level and same communication level using the same strategies and that they really have access to professionals who also use that particular mode of communication. (Interview, June 15, 2009)

Scott highlights the unique communication needs of students when explaining federal policies that impact deaf education; he did not, however, mention the LRE provision. Considering his historical body having worked in schools for the deaf and as an administrator at a regional day school program for the deaf, one might argue that his lived experiences and the discourses in place in those contexts influence the discourses in place he now instantiates in his role as a TEA program director. During the course of our interview, Scott never raises IDEA’s LRE requirement. Rather, he frames IDEA from a language and communication perspective. Then, in the next breath, Scott describes how Texas state education policy pries open implementational space within IDEA’s communication provision:

Texas was one of the first states in the nation that identified as what was then referred to as the Deaf Child’s Bill of Rights. And so you can look in Texas Education Code Chapter 29 and there’s a *whole* list of things that are listed in law in the Texas Education Code that are important to consider when we’re talking about students who are deaf or hard of hearing. (Interview, June 15, 2009)

In 1995, Texas passed the Deaf Child’s Bill of Rights which formally recognizes ASL as a language. Whereas in IDEA (2004, § 614(d)(3)(B)(iv)) the consideration of deaf children’s unique communication needs is presented in a few lines of a subparagraph, Texas Education Code Chapter 29<sup>46</sup> contains a subchapter six pages in length. TEC begins by recognizing ASL as

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<sup>46</sup> Hereafter TEC.

“a complex, visual, and manual language with its own grammar and syntax” (2007, § 29.301(2)). Deaf students have the right to receive an education in their unique communication mode, alongside peers who use the same language mode, as well as access to instruction in their language modes (TEC, 2007, § 29.303-305). Scott provides a salient example of how individuals within the state layer of the LPP union used their agency to open up gaps and spaces in the federal policy (Ball, 2006) to make implementational space for multilingual education (Hornberger, 2005) in Texas policy. Furthermore, by drawing on Scott’s historical body, one can see how his previous experiences shape the discourses in place he adopts in his role at TEA.

Turning to the ways in which a district implements IDEA and TEC, Scott directs districts to consider the implementational space for multimodal communication pried open within the state layer:

TEA says that districts need to make sure that students’ needs are met....So it goes back to the IEP, goes back to ensuring that they’ve really looked very carefully at what the students’ needs are. On a *frequent* basis we want districts to really look at a student’s communication strengths, communication weaknesses, communication modes, what their preference for communication is, what works well for this particular student and why and where there seem to be weaknesses that need to be improved upon....So we really want, we want people to *really* look at individual student communications and really make sure that students are really getting what it is that they need. (Interview, June 15, 2009)

Scott couches deaf students’ needs within the discussion of communication needs, rather than within the prevailing discourse: the LRE. Furthermore, he frames this guidance as a TEA position from the very beginning (“TEA says...), perhaps to give greater weight to the message (Schiffrin, 1993). If engaged in an ideological tug-of-war between LRE and deaf students’ communication needs, Scott would pull for students’ communication needs as evidenced by his recommendations to school districts. Through these examples, one can see how beliefs about language and communication influence the ways in which Scott interprets and presents IDEA’s provisions. As stated in his introductory remarks, Scott recognizes ASL as an intact language. While there are competing discourses in place at the state and federal level, Scott draws upon his

historical body to navigate these discourses, ultimately foregrounding the discourses in place within TEC.

### **District Agent: Emerson ISD's Special Education Attorney**

Kate Andersen has served as special education legal counsel for EISD since 1996. Previous to representing EISD, she was part of the legal division for a large education association in Texas. Kate credits her family for shaping her love of education policy. Her parents and a sibling have served as teachers, school board members, principals, and district administrators. Kate was not sure she wanted to teach, but she “fell into a love of education policy...because it was in [her] blood” (Interview, November 21, 2009). She chose to blend both historical bodies, a passion for policy and an understanding of the educational system, by becoming a special education attorney. Kate describes her roles with EISD as three-tiered. First, she states, “I help school officials interpret the federal law and guidelines...I read the law and say, ‘This is the way I interpret it’” (Interview, November 12, 2009). Second, she provides “a lot of in-service training and a lot of teacher training to ensure knowledge of applicable changes for school districts” (Interview, November 21, 2009). Third, she serves as litigation defense when parents challenge school district’s decisions regarding special education services for their children. As the interaction order suggests, Kate takes on different roles and negotiates various discourses in place when moving between the district and campus layers. She seems to act as a scale jumper (Blommaert, 2007, pp. 3-7). Kate jumps between the district and campus layers, interacting with various agents and managing competing discourses in place.

When broaching the topic of deaf students’ language and communication needs, Kate states that ASL is a communication mode that some students may use and “school districts by

law are required to respect that” (Interview, November 21, 2009). Both federal and state laws require school districts to consider deaf students’ communication needs with TEC outlining specific aspects of children’s communication needs that must be addressed. At the district level, EISD adopts as board policy three of the five provisions within TEC Chapter 29 that speak directly to children’s communication needs. Similar to the district’s policies, Kate either knowingly or unknowingly closes down the implementational space within TEC that affords students “an education in the company of a sufficient number of peers using the same language mode and with whom the student can communicate directly” (§ 29.305). Rather, Kate explains that EISD’s recommendation would be to “immerse [deaf students] with support,” similar to the ways in which the district immerses English language learners in regular education classrooms with support (Interview, November 21, 2009). Kate draws upon her knowledge of her sister’s experience as a school administrator working with Spanish-speaking English language learners to inform her position that immersion is an effective method for developing deaf students’ English language proficiency.

Immersing deaf students in a regular education classroom with support is consistent with Kate’s interpretation of the LRE. In presenting the federal guidelines that govern deaf education, she makes the following statement:

[T]here’s a large issue federally called least restrictive environment. You may have heard of it as mainstreaming or inclusion. And that’s ‘how do we provide services for individuals with disabilities in the context of a classroom with nondisabled peers, or with less-disabled peers?’ There are a lot of benefits to that. From an educational policy perspective I think the benefits to that include modeling by nondisabled peers of appropriate language patterns, which is incredibly appropriate for students who have hearing loss. (Interview, November 21, 2009)

In Kate’s description of the LRE, she instantiates the inclusion ideology that the regular education classroom is the most appropriate setting because hearing students serve as language models for deaf students. This is precisely what concerned the Commission on Education (1988)



and Davila (Schildroth & Hotto, 1994): school districts misapplying the LRE provision in the case of deaf students by overlooking students' communication needs. Later in the conversation Kate presents students' communication needs in the context of creating IEPs:

For students who are deaf, auditorially impaired, those students frequently have [IEP] components that talk about language development, ASL, the number of vocabulary signs, in addition to other things like self-advocacy skills. 'How do I let the teacher know that I don't understand what was just said and I don't think the interpreter gets it?'....So it all depends on what the child's individual make up is and what they need....And then the end result is we hope we can do that in what's called the least restrictive environment. (Interview, November 21, 2009)

Kate acknowledges that the child's language development must be considered as part of the IEP creation process. However, she defines language development as the number of ASL signs a child will learn during the next academic year. Furthermore, language development seems to take a back seat to self-advocacy skills. In her description of creating an IEP, Kate offers an example of two competing discourses within IDEA: ensuring deaf students can access the classroom instruction in their primary mode of communication and placing students in the LRE. When navigating the tensions between language and LRE within the policies, Kate asserts her ideological beliefs and takes up the dominant discourse in place within the federal layer that immersing deaf students in the LRE is an appropriate placement decision because deaf students can be taught how to be self-advocates.

### **Campus Agent: American Heritage Elementary School's Audiologist**

While Kate's ideological views about deaf education are strongly tied to the LRE provision and Scott's belief that student placement decisions should be centered on children's communication, Ann Cody describes herself as a "middle of the roader" when negotiating the competing discourses in place (Interview, May 19, 2009). Ann is Emerson ISD's audiologist and is housed at American Heritage Elementary School. As director of audiological services,

Ann is responsible for conducting hearing tests, making recommendations for students' IEP communication goals at the elementary school, and participating in IEP meetings. Additionally, she provides these services to students from across the district and works closely with the district's itinerant deaf education teachers. As such, Ann also acts as a scale jumper (Blommaert, 2007, pp. 3-7): she moves between the core of the LPP union (American Heritage Elementary School) and the district layer. Whereas Scott and Kate are not directly involved in creating students' IEPs, Ann takes an active role in the IEP process by making recommendations for IEP goals and determining the LRE for students. Ultimately, then, Ann's language ideologies and interpretation of LRE and students' communication needs directly impact deaf students' ability to access multilingual classrooms.

Ann views sign language as a communication tool, much like an auxiliary aid such as a cochlear implant or FM system. She states upfront that as an audiologist, she views deaf education issues from a "hearing standpoint" and is interested in providing "tools to help [students] be successful" (Interview, May 19, 2009). She argues that educators working with deaf students should ask "what do [students] need?" and then provide them with "whatever it takes" (Interview, May 19, 2009). Ann identifies, though, one obstacle special education professionals face in securing "whatever it takes" to meet students' needs:

1 I think we're more bound to a least restrictive environment which means putting kids in  
2 mainstream. Because we've had parents that want sign. But we *have* to say, 'But have you  
3 tried, have we tried oral and English and language?' or we're kind of forced to do that. So we  
4 can't put them here [in the RDSPD] until we've tried [mainstreaming] and shown it's not  
5 successful. ...sometimes I think there's inclusion where there shouldn't be inclusion. But,  
6 that's the law. People *fought* for it. My kid should not be denied being in the regular  
7 classroom no matter how much they're getting or not getting. And it makes it hard. But  
8 we're always going to have laws for *something* and it's not going to fit every child.

(Interview, May 19, 2009)

Ann articulates the challenges that the LRE provision presents to placing deaf students in more multilingual, multimodal educational environments. While she does not agree with the

prevailing interpretation of LRE that restricts deaf students' access to multimodal environments (line 3), she seems to believe that the LRE provision overrules students' needs as indicated by her last statement in lines 7-8. Prefacing her comments presented above, Ann describes how she feels that her agency and professional judgment are harnessed by the discourse in place that LRE requires placement in a mainstream setting. When asked whether or not the policies allow for flexibility in determining which services she could provide, she responded:

Yes...in fact the state does not recognize unilateral hearing losses as being eligible for services, technically. But we still put [students] in services if the need is there.... So we can kind of bend when we need to...I don't think they're [TEA representatives] going to come in and tell us those unilateral kids can't [receive services]. (Interview, May 19, 2009)

Ann bucks the proverbial system by carving out implementational space to provide services to children with unilateral hearing losses. Because she believes that students with unilateral hearing losses benefit from audiological services, Ann is confident that the state would side with her determination that the child's needs supersede any restrictions outlined (or absent) in state policy. Although she opens ideological space to provide students audiological services, she closes down implementational space within state and district policies that promote multilingual, multimodal educational contexts for deaf students because of the dominant discourse in place that the LRE provision requires deaf students be placed in the regular education classroom.

As an audiologist, Ann takes up the discourses in place within the field of audiology that suggest auxiliary aids and services be provided to "hearing impaired" students in order for them to access spoken language (Interview, May 19, 2009). Promoting the acquisition of signed language occurs only in cases where students are not succeeding academically. This discourse in place is consistent with the FAPE provision of IDEA discussed in chapter 2: students do not have a right to the best possible education, only to an adequate education. Perhaps Ann's beliefs

about language, “I look at everything from a hearing standpoint,” influence the implementational space she carves out of IDEA (Interview, May 19, 2009).

### **Discourses within LPP Layers**

From the discussion above, one can see several competing discourses in place that circulate among the agents within and between the LPP layers, ultimately influencing the types of services selected for deaf children through the IEP process. As a speech therapist from American Heritage Elementary School stated, “It’s like you have all these guidelines that say [deaf students] have to be as much as possible with peers but then each child should be looked at individually” (Interview, May 19, 2009). How agents understand these guidelines and the ways in which they interpret and implement the policies is influenced by their beliefs about language and the ways they appropriate deaf education policy. Within the state layer, Scott instantiates the need to consider students’ communication needs. Within the district and campus layers, Kate and Ann both focus their attention on the LRE provision. By uncovering Scott, Kate, and Ann’s historical bodies, language ideologies, and the discourses in place they (un)knowingly adopt, one can better understand the ways to which they open up or close down implementational and ideological space in the federal, state, and local policies that support multilingual, multimodal learning environments.

The lens of inquiry now shifts to examine how educational service providers negotiate these discursive and policy tensions when engaged with Spanish-speaking parents in securing educational services for deaf children at Moore Middle School.

### **Agentive Roles in the Implementation Process**

The discussion thus far has highlighted agents' roles in interpreting special education policy within each layer of the LPP onion. As mentioned in chapter 3, there are many opportunities for policies to be modified, ignored, or left unenforced by agents within each LPP layer because policies pass through several layers (and agents with differing language ideologies, agendas, policy interpretations) before they are (or are not) ultimately implemented (Ricento & Hornberger, 1996, pp. 409, 417; Wiley, 1996, p. 104). Federal agents offer interpretations of IDEA through the Code of Federal Regulations and guidelines put out by the U.S. Department of Education. Actors within the state layer create education policy that tailors IDEA mandates to the educational system in Texas. Furthermore, agents within the Texas Education Agency and Texas's Educational Service Centers render interpretations of IDEA through the policies and guiding documents they provide local school districts and parents. Taking the policies, regulations, and guidelines from both federal and state layers, agents within the district layers create board policies that govern special education for their respective districts. Finally, educational service providers within the local layer of the LPP onion (un)knowingly use the policy documents from each of the layers and based on their beliefs about language and education they exercise their agency by implementing the education policies through the IEP process.

Recognizing that individuals within the local layer are the only agents within the LPP onion who engage in the IEP creation process, I now explore the experiences of IEP team members in securing educational services for deaf students. Specifically, I elucidate the roles of three ESPs in the IEP creation process and demonstrate the ways in which they engage with Spanish-speaking parents throughout this process. I then turn to one parent's experience as a

member of the IEP team, highlighting the confidence she places in the ESPs recommendations for determining within which classroom(s) her child should be placed. To set the stage whereupon the IEP creation process takes place, I begin with a brief review of the IEP process and set forth portions of the policy texts as the backdrop against which the interactions between ESPs and parents take shape.

### **Role of Parents in IEP Process as Outlined in IDEA**

Recalling the discussion in chapter 2, the IEP is both a document and a process that requires parental involvement. As a document, an IEP is a legally-binding education plan (that functions as *de facto* language policy); it contains each student's academic and communication goals for the academic year. Based on those goals, IEP team members determine which educational context is the LRE for students to achieve their goals. As a process,<sup>47</sup> IEPs must meet procedural and substantive requirements. Procedural requirements "include a set of steps that must be followed during the planning, development, and review of the IEP" (Ketterlin-Geller et al., 2007, p. 195). Some of the steps include obtaining parental consent to evaluate a child, ensuring parents are notified of upcoming IEP meetings, and providing parents with information regarding their legal rights throughout the IEP process (CFR, 2010, § 300.500-536). Substantive requirements refer to the "substance" of the IEP; the academic and functional goals created for the child, along with any supplemental aids and services the child will receive (Drasgow et al., 2001, p. 359). In short, decisions about where to place deaf students are made through the IEP creation process.

In order to satisfy the IEP procedural and substantive requirements, parents must participate in the IEP creation process and approve the IEP document. This, however, has not

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<sup>47</sup> This process is arguably a language planning activity.

always been the case. Prior to the reauthorization of IDEA in 1990, parents were not required to participate in the IEP creation process (Coots, 2007, p. 33). The policy discourse shifted, however, when parents were included in the 1990 reauthorization of IDEA as members of the IEP team. In its most recent reauthorization, federal policy makers foreground the role of parents in one of IDEA's opening paragraphs:

Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by...strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home. (IDEA, 2004, § 601(c)(5),(B))

Implicit in this statement are federal policy makers' concerns regarding the degree to which parents actively participate in the decision-making processes that determine the educational opportunities their children may receive. The role of parents is also strengthened as evidenced by the inclusion of parental rights as one of six purposes of IDEA: to "ensure that the rights of children with disabilities and *parents of such children* are protected [emphasis added] (2004, § 601(d)(1)(B))."<sup>48</sup> Furthermore, when examining the individuals who comprise the core of the IEP team, parents are the first named members of the team:

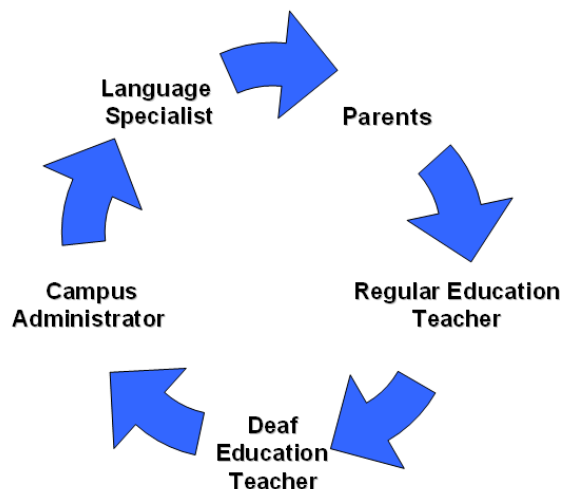
The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—  
(i) the *parents of a child with a disability* [emphasis added];  
(ii) not less than 1 regular education teacher...;  
(iii) not less than 1 special education teacher...;  
(iv) a representative of the [school district] who...is knowledgeable about the availability of resources [such as a special education campus coordinator]...;  
(v) an individual who can interpret the instructional implications of evaluation results [such as a speech pathologist or audiologist]... (IDEA, 2004, § 614(d)(1)(B) *et seq.*)

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<sup>48</sup> The other five purposes include ensuring FAPE is provided to all students with disabilities; assisting states and districts in providing FAPE to students; assisting states with early intervention services for infants and toddlers; and supporting educators and parents by providing them with tools and services to help improve educational results for students (IDEA, 2004, § 601(d) *et seq.*).

The discourse in place within IDEA calls for these five individuals<sup>49</sup> to create students' IEPs.

The discourse cycle for creating students' IEPs can be illustrated as seen in Figure 4.2.



*Figure 4.2.* Discourse cycle of the IEP creation process within IDEA (inspired by Scollon & Scollon, 2004, p. 102)

Although parents do participate in the IEP creation process, they are not held legally responsible for the outcomes of the process. In other words, if the procedural or substantive requirements of the IEP are not met, parents are not held responsible. Rather, the school is held legally responsible for the successful creation and implementation of IEPs. In fact, schools can proceed with IEP meetings without the participation of parents in circumstances where parents refuse to participate or parents do not respond to invitations to take part in the IEP meeting (CFR § 300.501(a)(4)). While IDEA does seek to strengthen the role of parents in the IEP creation process, ultimately ESPs are responsible for creating and implementing the IEPs. This is because, as IDEA states, "...states, local educational agencies [school districts], and educational

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<sup>49</sup> Other specialists may also join the IEP team when invited by parents or ESPs. Likewise, the deaf student may also participate in the IEP meeting "whenever appropriate" (IDEA, 2004, § 614(d)(1)(B)(vii)). However, the core membership of the IEP team includes those listed in Figure 4.3.



service agencies [schools] are primarily responsible for providing an education for all children with disabilities...” (2004, § 601(c)(6)).

Given that ESPs are responsible for both the education of students with disabilities and involving parents in the selection of educational services for their deaf children, the Code of Federal Regulations<sup>50</sup> provides schools with a description of how parents are to be engaged in the IEP process. Under the provision heading “Parent participation,” the CFR (2010) states:

Each [school district] must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. (§ 300.322)

In addition to notifying parents of the meeting and scheduling the IEP meeting at a time that is mutually agreed upon, schools “must give the parent a copy of the child’s IEP at no cost to the parent” (CFR, 2010, § 300.322(f)). For parents who speak languages other than English, the CFR requires schools to “take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English” (CFR, 2010, § 300.322(e)).

Additionally, ESPs must provide parents with procedural safeguards, a document explaining parent rights in the IEP process (CFR, 2010, § 300.504).

During the IEP meeting, the CFR explicates parents’ roles as follows:

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child; and the provision of FAPE to the child.

...

*Parent involvement in placement decisions.* (1) Each [school] must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent’s child. (2010, § 300.501(b)(i-ii), and (c))

It is abundantly clear from the policies and regulations that parents have a right to take part in determining the educational placement decisions affecting their deaf children. What is left

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<sup>50</sup> The Regulations of the Offices of the Department of Education are codified in Title 34, Subtitle B of the Code of Federal Regulations. Hereafter CFR.

unwritten in both IDEA and CFR, however, is an explanation of *how* parents are included in making these decisions. This lack of specificity in IDEA conjures up several questions. First, if schools are ultimately responsible for the development of the IEP as outlined in, are parents given an *active role* in reviewing the assessment data, creating academic and communication goals, and determining the LRE for their child? Or are parents invited to participate by either accepting or challenging the recommendations made by the ESPs? These are the questions that I seek to answer. To do so, I now turn to the second and third research questions that seek to answer (a) *how* ESPs at Moore Middle School experience the process of engaging Spanish-speaking parents of deaf children in learning about and securing educational services for deaf students, and (b) *how* Spanish-speaking parents experience this process.

### **ESPs' Experiences Engaging Spanish-Speaking Parents in the IEP Process**

Similar to the variations found among Scott, Kate, and Ann's understanding and implementation of IDEA's LRE and communication provisions, Moore Middle School ESPs' experiences engaging with Spanish-speaking parents of deaf students in learning about and securing educational services for their deaf children were diverse. As Scollon and Scollon (2004) suggest, this is not surprising given that individuals' historical bodies differ, shading their implementational lenses differently. Ultimately, this affects the ways in which the policies are implemented. As the director of special education commented, "[W]hen you have so many different people doing [IEP]s, we have probably 800 or so teachers doing [IEP]s, and so when you have 800 hands in the pot doing [IEP]s, it's really difficult to monitor to make sure that the accuracy is there and the compliance is there" (Interview, July 7, 2009). Although the director was speaking about maintaining compliance with all IEP procedural requirements, her point is

well made that variations in policy implementation are inevitable when more than one hand is in the pot.

There are two parts to the research question that seek to understand ESPs' experiences engaging with Spanish-speaking parents. First, how do ESPs help parents *learn* about the educational service options available? Second, how do ESPs engage with parents to *secure* those services for deaf students through the IEP process? These questions keep in mind the discourse in place that parents "must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child" and parents must be part of the decision-making process that leads to the placement of a deaf child (CFR, 2010, § 300.501(b)(i-ii), (c)).

With the policy discourse and research questions in mind, I now discuss how three ESPs at Moore Middle School describe their experiences as members of the IEP team engaging parents in learning about and securing educational services. I begin with the special education campus coordinator's description of IEP team members' responsibilities. Next, I present the experiences of a deaf education teacher at Moore Middle School who works with deaf students from Spanish-speaking homes. I then turn to the experiences of the speech pathologist who also interfaces with Spanish-speaking parents of deaf students at Moore Middle School.

### **Learning about Educational Services**

In order for ESPs and Spanish-speaking parents to select appropriate educational services for deaf children, the IEP team members must be aware of the various service options available for deaf children. As agents of the school, ESPs are aware of the educational service options available for deaf children; arguably, some ESPs are more familiar with the range of options than

others. Parents, on the other hand, may not be familiar with all of the service options available because their background and training may be in fields of study other than education, and deaf education more specifically. ESPs, then, are in a position of power as they are often more familiar with the types of services available for deaf children. As such, this section explores the process whereby ESPs engage with Spanish-speaking parents in helping them learn about the various placement options and services available for their deaf children.

### **Special education coordinator.**

Tricia Williams is the special education coordinator at Moore Middle School. She has nearly 20 years of experience working in deaf education, first as a deaf education teacher and later as a special education consultant for the state of Texas. Tricia pursued deaf education because of her personal connection to the deaf community. She has a family member who is deaf. As the special education coordinator, Tricia oversees the deaf education program and other special education programs at Moore Middle School. She describes the various services available for deaf students on campus:

It's [our deaf education program] pretty typical in terms of the range of services. We have those that are fully mainstreamed with interpreting. We have some that are fully mainstreamed without interpreting. We have some that use FM systems and so they pick them up in the [deaf education] classroom and drop them off at the end of the day. We have some that are in the [deaf education] classrooms for reading, language arts, and math and then they go out for their elective and science, social studies, and they have interpreters that go with them. So it's a full range of programming that we have. (Interview, May 27, 2009)

Tricia describes the continuum of services that are available to deaf students and indicates that the full range of services is offered to deaf students at Moore Middle School (recall Figure 2.1).

What is unique about the services offered at Moore Middle School is that it houses Emerson ISD's Regional Day School Program for the Deaf. The full range of programming, specifically a deaf education classroom, is available because of the critical mass of deaf students that attend the

school. As mentioned in chapter 3, students from surrounding school districts send some of their middle school deaf students to Moore Middle School. After Tricia describes the types of services offered, I then ask:

1 S: Do you have a lot of interaction with parents when they first come in and ask for services for their  
2 kids?

3 T: At the middle school what I've found just because of the age, we don't get as much of that  
4 interaction as you do when they [the students] first are identified. Obviously, at that preschool and even  
5 younger age like when I worked those first years in deaf education we got the families right after they  
6 were first identified and so you were really, really closely linked up with the families as they were  
7 walking through the process for the very first time. What we get here is the family's kind of revisiting  
8 that as they go from elementary to middle school....[G]oing from an elementary to a middle school  
9 the families tend to revisit old wounds and hurts and disappointments and expectations that maybe  
10 aren't realized yet. And, um, so we kind of revisit that with them and try to walk them through that.

(Interview, May 27, 2009)

In lines 3-5, Tricia's response suggests that conversations about educational services occur most frequently when a child's hearing loss is first identified. From her experience, most of the conversations with parents of deaf children in middle school revolve around unmet expectations (lines 8-10). Several study participants echoed Tricia's observations that the greatest interactions with parents (both English and Spanish-speaking) in learning about educational services take place when the child is first identified with a hearing loss which typically occurs when the child is very young.<sup>51</sup>

### **Deaf education specialist.**

While Tricia did not specifically address how IEP members would engage with Spanish-speaking parents who recently arrived to the U.S., as in the case of one of Paloma's child who participated in this study, Luz Espinoza, the deaf education specialist for the district, described

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<sup>51</sup> Federal and state laws requiring hospitals to test newborns' hearing before they are discharged from the hospital has led to an increase in early identification of deafness.

how she worked with Paloma in determining the educational services. The following is the dialogue of our conversation that I reconstructed in my fieldnotes:<sup>52</sup>

- 1 The first question I ask the parents is: “What is the current mode of communication? Do they sign?” If
- 2 they do, that is the ticket into the cluster campus [Moore Middle School]. If they prefer their child to
- 3 talk, then you would evaluate them and that would be an LRE issue. You have a temporary 30 day
- 4 placement during which assessments are made and they try and track down records from the other
- 5 school. They look for the mode of communication on the documentation. They may seek confirmation
- 6 from the staff at the previous school. (Fieldnotes, May 6, 2009)

In line 1, Luz engages with Spanish-speaking parents by asking them which communication mode(s) their children use, stating that this is the primary factor for determining educational services and student placement. What I had not anticipated was the “learning about” process that ESPs experienced when engaging with Spanish-speaking parents to secure services for their children. Luz’s question demonstrates that the “learning about educational services” is not a unidirectional process whereby ESPs explain to parents what services are available for their children. Rather, it is a bidirectional exchange. ESPs rely on parents to “learn about” the educational services the child was receiving previously and which mode of communication the parents prefer the child to use (lines 1-2); parents rely on ESPs to “learn about” the services offered at the school, as both parents in this study suggest.

If Luz offers the parents information about which services are available for their child, she does not mention it here. Rather, she continues on in lines 2-6 to describe what seems to be a systematic process for determining the educational services for the child: the school determines the students’ temporary placement, assessments are conducted, and documentation from the previous school is sought out. In terms of ESPs learning about the educational services the child had received previously, Luz indicates that ESPs seek out documentation from the ESPs from the student’s previous school, which is in keeping with the procedural requirements of the IEP

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<sup>52</sup> Luz agreed to participate in the study but preferred that the interview not be audio-recorded.

process to review existing data that demonstrates students' current academic performance (IDEA, 2004, § 614 (c)(1)(A)(ii)).

Considering both Tricia and Luz's comments, it seems that the placement decisions made at the time a child first enters school strongly influences the placement decisions that take place in subsequent years. The child's communication mode (speech or sign) is a significant factor in selecting the educational services and making the placement decision (Luz, lines 1-2). Thus, it seems that the level of interaction between ESPs and parents varies according to the age of the child with more discussions about educational services taking place when deaf children are younger, as reported by the ESPs. For parents in this study who immigrated to the U.S. with deaf children who are older and who had received services in their home country, the communication mode of the child was a significant factor in determining the placement options, although there were conflicting statements from ESPs as to whether or not the students' Spanish literacy skills were evaluated. Furthermore, ESPs at Moore Middle School not only engage with the parents, but also engage with IEP team members from the school where the child previously attended.

### **Speech pathologist.**

Dolores is the speech pathologist at Moore Middle School and has worked there for more than five years. Prior to joining the staff at the school, she spent two decades working in the hospital setting with patients with head trauma and others who suffered from Parkinson's disease and Alzheimer's. Dolores describes the "learning about" interactions between herself and Miguel's parents, Paloma and Jack, as follows:

- 1 He came from Mexico and he came from a total oral school. And apparently he wasn't doing that great
- 2 in the oral school, according to the parents. They moved from Mexico to San Antonio and they wanted,
- 3 they told us what they wanted. And we told them what we could offer. So, because this is middle

4 school, they had already experienced the oral, and the kid was okay, but he wasn't great, orally.  
(Dolores, Interview, April 23, 2009)

Dolores's description of her exchange with the parents is similar to Luz's experience in that they both were interested in the student's communication mode. Dolores's account, however, is unique in that she frames her experience in a way that suggests that the bidirectional "learning about" process was focused on the parents description of what their child had experienced and what they wanted the school to provide to their child (in lines 2-4). Dolores does not mention contacting the previous school to inquire about the types of services the child was receiving. Rather, she engages directly with the parents, learning about the child's needs and then offering the parents the options that were available for their child (which is presented in the subsequent section "Securing educational services"). The information she gathers through her conversation with the parents provides the ESPs with another piece of information that is necessary in order to secure appropriate educational services and also fulfill a requirement of the IEP process: review "evaluations and information provided by the parents of the child" (IDEA, 2004, § 614 (c)(1)(A)(i)).

#### **Mother of deaf student.**

Paloma's account of her experience "learning about" educational services at Moore Middle School mirrors, in part, Luz's experiences while also providing a different perspective on ESP-parent interactions at the school. Paloma moved to the U.S. from Mexico with her husband and children a few years ago. They first arrived to another metropolitan city in Texas before moving into Emerson ISD. Both Paloma and her husband have completed university coursework and both work outside of the home. The languages she reported as having been spoken in the



Valenzuela home include Spanish, ASL, Mexican Sign Language,<sup>53</sup> and English. Paloma was born and raised in Mexico while her husband is a U.S. native. Spanish is her native language; she also has strong basic interpersonal communication skills in English.

Paloma recounts her experience taking her son, Miguel, to Moore Middle School. The ESPs met with her, her husband, and Miguel and asked if they had any documentation from Miguel's previous school that showed his academic progress and the services he received there. Paloma did not have the documentation requested of her. The ESPs indicated that they would contact the school directly to obtain the records. After their initial visit, the Valenzuela's were invited back for another meeting. In describing her experience engaging with the ESPs to "learn about" the services offered at Moore Middle School, Paloma explains:

[N]os fuimos a esta junta. Tuvimos esta junta para que nos explicaran como iba a ser. Nos explicaron... que era una etapa de adaptación al rededor de mes, mes y medio en donde lo van a evaluar porque no lo conocían, para se ve como lo iba a reaccionar. Y en ese momento iban ajustarlo a, a lo que, a las necesidades... (Paloma, Interview, May 6, 2009)

- 1 We went to the meeting. We had the meeting so that they could explain to us how things were going to
- 2 be. They explained...that there would be a preliminary placement for about a month, a month and a half
- 3 during which time they would evaluate him because they didn't know him, and see how he responded.
- 4 And then at a later time they would make adjustments to, according to his needs...

(Paloma, Interview, May 6, 2009; translation mine)

Paloma describes the process whereby Miguel would be evaluated (in line 3) which Luz had also mentioned in her remarks. What is notable about Paloma's experience, however, is what appears to be a unidirectional "learning about" experience for her. She frames the interaction as one wherein the ESPs present the plan of action and the placement decision for the next six weeks (lines 2-3). In fact, in line 1 she describes the purpose of the meeting as a process whereby the

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<sup>53</sup> There are arguably just as many signed languages in the world as there are spoken languages (Skutnabb-Kangas, 2008, pp. 1-2). Mexican Sign Language and American Sign Language are not mutually intelligible languages. Although hearing individuals from Chile and Mexico would be able to understand one another in spoken Spanish despite speaking different varieties of Spanish, deaf individuals from Chile and Mexico would not be able to understand one another as Chilean Sign Language and Mexican Sign Language are distinct languages. The same holds true for varieties of English. Hearing Americans and people of Britain would also understand one another although deaf Americans and people of Britain would not as American Sign Language and British Sign Language are not mutually intelligible.

ESPs “could explain to us how things were going to be.” Whereas Dolores and Luz both framed the interaction order as bidirectional, Paloma seems to describe her role in the meeting as a recipient of information about where her child would be placed rather than as a participant in the decision-making process. Paloma takes a more passive role in the decision-making process which is evidenced by her comments here as well as in her comments about her participation in the IEP meeting that is held after the ESPs complete the initial evaluations. Paloma’s seemingly passive role in the interaction is consistent with her historical body in interacting with ESPs in Mexico. She stated that in Mexico, she also relied on the ESPs to offer recommendations for the type of communication modality that was most appropriate for Miguel.

### **Securing Educational Services**

As described earlier in the chapter, securing educational services for deaf students is the responsibility of the IEP team members. Since 1990, reauthorizations of IDEA have strengthened the parents’ positions as members of the IEP team by requiring parental participation in the decision-making process. Ultimately, however, school representatives are responsible for the education of deaf students (IDEA, 2004, § 601(c)(6)). In this section I focus the analytic lens on the interactions between ESPs and Spanish-speaking parents in an attempt to see more clearly ways in which ESPs include Spanish-speaking parents in the process of selecting educational services through the creation of IEPs. Specifically, I aim to uncover the discourses embedded within these IEP practices.

### **ESPs' experiences securing educational services.**

Raquel is a deaf education teacher at Moore Middle School. She is deaf and ASL is her primary mode of communication. She knows some Spanish as one of her parents is a native Spanish speaker. Raquel has worked at Moore Middle School for several years. As the case manager of 20 students who are in special education, Raquel serves as the point of contact for the regular education teachers, related services support staff, and for parents. Raquel is Miguel's case manager as well as his deaf education teacher. Tricia, the special education coordinator, describes the role of case managers in these terms:

1 [T]hey're responsible to keep up with what's going on with those students in general education classes to  
2 communicate with the general education teachers about, if we have another [IEP] and let's say things  
3 change, accommodations have changed, the IEP has changed, we've changed a goal. It's their  
4 responsibility to get that information to all the general education teachers as it changes and make sure  
5 the general education teachers feel comfortable with that...*They* are the first point of contact...[They]  
6 work on the IEPs, make sure the goals and objectives are appropriate when we go into an [IEP], and  
7 visit with the parents ahead of time about concerns they have.

(Tricia Williams, Interview, May 27, 2009)

As Tricia explicates, Raquel is an integral member of the IEP team. She not only interfaces with Miguel's regular education teacher and speech therapist when reviewing his current IEP goals and drafting the preliminary IEP goals, but she also serves as the parents' first point of contact and educational broker. Paloma states that she approaches Raquel with any questions she has about Miguel, even when it concerns his performance in one of his regular education classes (Interview, May 6, 2009). Raquel describes the process of securing educational services within the IEP meeting as follows:

1 [Spanish-speaking] parents seem to accept whatever recommendations are made. I'll ask them if they  
2 understand the recommendations—all of the facets of it—and they'll say they do and accept whatever  
3 determination is made. There's often not a lot of discussion about their concerns regarding their child.  
(Raquel, Interview, June 22, 2009; translation mine<sup>54</sup>)

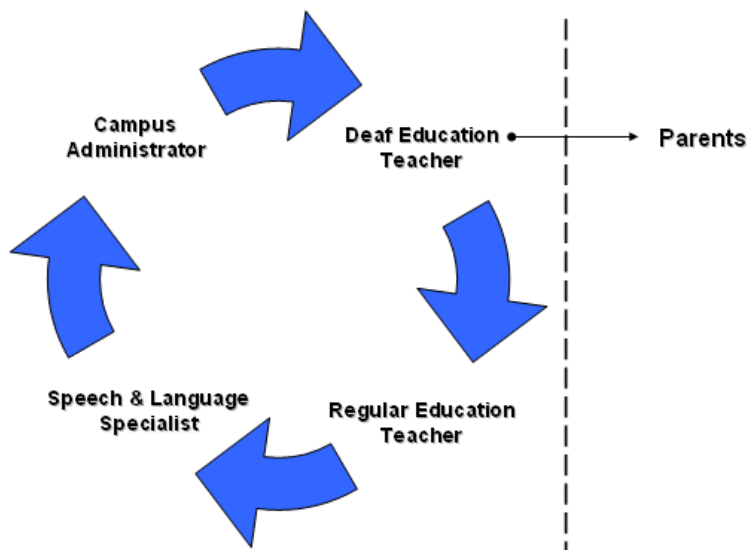
From the way in which Raquel recalls the ESP-parent interactions in the IEP meeting, parents seem to take a back seat in reviewing the assessment data and teacher recommendations.

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<sup>54</sup> The interview was conducted in ASL and video-recorded. I translated the interview into English.

Raquel describes parent participation as either accepting or rejecting the recommendations offered by the ESPs. When examining Tricia and Raquel's comments together, one can extract discourses that are deeply embedded within the practice of creating an IEP. One such discourse concerns the role of ESPs: ESP make recommendations to parents. This can be seen by Raquel's statement in lines 1-2, "I'll ask them if they understand the recommendations," and in lines 2-3 she states that parents "accept whatever determination is made." Implicit in this statement is that the determination about which services to provide a student have already been decided by the ESPs and their role is to present the recommendations, seek out the parents input or questions, and then proceed forward with the programming.

Tricia's comment in lines 5-6 also suggests that this is the case. She states: "[case managers] work on the IEPs, make sure the goals and objectives are appropriate when we go into an [IEP]." Case managers are expected to contact parents ahead of time, as Tricia indicates, in order to address any concerns they have before participating in the IEP meeting (line 7). However, Tricia does not elaborate on what conversations take place between case managers and parents prior to the IEP meeting. Mapping the discourse in place at Moore Middle School regarding the role of parents in the IEP creation process onto the discourse schematic inspired by Scollon and Scollon (2004, p. 102), one can see in Figure 4.3 that ESPs construct the IEP goals which are then presented to the parents.



*Figure 4.3.* Discourse cycle of the interaction order of the IEP creation process (inspired by Scollon & Scollon, 2004, p. 102)

A second discourse embedded within the IEP creation practice is the role of the parents in this process. Looking first at Raquel’s comment about parents’ participation in creating the IEP goals, she suggests in lines 2-3 that parents accept the recommendations set forth by the ESPs without engaging in a discussion. In Raquel’s experience, she sees that Spanish-speaking parents do not engage in a discussion about the IEP goals or placement options.<sup>55</sup> Instead, they accept the recommendations of the ESPs without questioning them. Ann and Teresa, both ESPs from American Heritage Elementary School, echo Raquel’s experience. They both indicate that in their experiences, Spanish-speaking parents do not challenge ESPs recommendations. (Interview, May 19, 2009). Teresa, a speech therapist at American Heritage Elementary School, is a native of Puerto Rico states that in her experience:

<sup>55</sup> Raquel contrasts her experiences with monolingual Spanish-speakers with bilingual parents: “I’ve noticed that parents who are proficient in both languages [Spanish and English] tend to be more concerned about expressing their concerns related to the student, and they’ll request to meet with us, which is just fine. We’ll meet and discuss their concerns” (Interview, June 22, 2009).

- 1 [M]any [parents from Mexican origin] of them still have that, um, from my experience, that position
- 2 which is typical of Latin cultures where your teachers and your doctors are the ones that make the
- 3 decisions, that “You know best.” And so they tend to follow your guidance in terms of what’s best.  
(Interview, May 19, 2009)

Teresa indicates that in her experience the Mexican-American parents she has worked with respect teacher and doctor recommendations, accepting the guidance because they “know what’s best.” Based on their historical bodies, Raquel, Karen, and Teresa seem to take up the discourse that Spanish-speaking parents act as receivers of information who accept the determinations made by ESPs, a discourse that circulates amongst ESPs at Emerson ISD, as well as in other parts of the country (recall the discussion in chapter 2 about parents’ views on their role in decision-making processes that involve their children’s education and medical procedures; see specifically Ramsey, 2000, and Steinberg et al., 2003). Traces of this discourse in place are also weaved into IDEA (2004, § 601(c)(6)).

### **Parent’s experience in securing educational services.**

In certain respects, Paloma takes up both of these discourses: ESPs as experts who offer recommendations and Spanish-speaking parents as recipients of the information who accept the ESPs recommendations. Paloma recounts her experience participating in the first IEP meeting at Moore Middle School:

[T]uvimos otra reunión en donde firmamos la documentación para, en donde aceptabamos todo, todo los servicios como se lo iban a otorgar para [Miguel]. (Paloma, Interview, May 6, 2009)

We had another meeting [IEP] where we signed all of the documentation, where we accepted everything, all of the services that they were going to grant Miguel.

(Paloma, Interview, May 6, 2009; translation mine)

Because Miguel had transferred in from another Texas public school during the middle of the school year, ESPs from Moore Middle School needed time to conduct evaluations to determine

his current academic level and his proficiency in English and ASL.<sup>56</sup> Then, the parents were asked to provide their opinion to the ESPs (line 2). Paloma's response perhaps encapsulates the discourses that emerge among the ESPs: "seeing how neither my husband nor I knew what we needed to do, we told them, 'Well, what do you guys suggest?'" (lines 2-3).

The ESPs do try and engage Paloma in sharing her thoughts and opinions. However, Paloma states that because of her inexperience navigating the U.S. public education system (she was educated in Mexico) she is unfamiliar with what recommendations to make or what role to take in the IEP process. By employing nexus analysis, one can see that her personal experiences navigating the educational system for her deaf child differ from the experiences of parents who themselves went through the U.S. educational system. Paloma then states that after the month and a half of assessments and evaluations, she returned for the IEP meeting and signed all of the documents, agreeing to everything that the school planned to offer Miguel. The way that Paloma frames this interaction is worthy of attention. She states in line 2 that "they" (the ESPs) would "grant" the services to Miguel. Considering this statement in light of her previous statement that she was attending the school meeting so that the ESPs "could explain to [her] how things were going to be," Paloma seems to trust the school professionals' recommendations, engaging with ESPs similar to the way that Teresa described her interactions with Mexican-American parents.

In seeking to understand *how* ESPs engage Spanish-speaking parents in learning about and securing educational services for their deaf children, it seems that the discourses in place suggest that ESPs at Moore Middle School conduct the evaluations, make the determinations, and select the placement options for deaf students. Then, the recommendations are presented to the parents followed by an invitation to parents to share their opinions and concerns. Parents

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<sup>56</sup>There were conflicting reports as to whether Miguel's Spanish proficiency level was evaluated. His command of Mexican Sign Language was not evaluated.

seem to agree with ESPs recommendations and little discussion takes place between parents and ESPs. Paloma is asked to engage with the ESPs insofar as contributing her opinions about Miguel's progress in the temporary placement setting that the ESPs place him in when he first arrives at Moore Middle School. Paloma, however, defers to the judgment of the ESPs in deciding which services her son will receive and in which placement context he will be placed. In answering the *how* question, then, ESPs do not seem to engage parents in the assessment and evaluation process or in the "learning about" process. Rather, parents are given an opportunity to voice their concerns in the "securing services" process during the IEP meeting.

### **Conclusion**

Having presented a textual analysis of federal, state, and district policies that govern deaf education, I argue that IDEA functions as *de facto* language policy for deaf students. Competing discourses in place open up ideological and implementational space within the policy texts to support multilingual, multimodal educational contexts for deaf students. At the state layer, agents in the Texas legislature pried open ideological space in IDEA to strengthen the discourse in place that the communication needs of deaf students must be considered when determining appropriate educational contexts for these students. Moreover, I demonstrated how agents within the layers of the LPP onion draw upon their historical bodies, including their language ideologies, to negotiate the tensions within the policy texts and navigate the discourses in place. Turning to the social actors within the campus layer, I illustrated how the interaction order between ESPs and Spanish-speaking parents is influenced by the individuals' historical bodies. Underpinning the analysis of the data is an explicit attempt on my part to identify *how* agents



make sense of the policy texts, internalize or reject dominant discourses in place, and rely upon their historical bodies throughout the implementation process.

## CHAPTER 5

### CONCLUSION

“The creation of a thousand forests is in one acorn.”  
(Ralph Waldo Emerson)

“The cynic says, ‘One man can't do anything.’ I say, ‘Only one man can do anything.’”  
(John W. Gardner)

Historically, LPP implementation has been examined within the outer layers of the LPP onion (Baldauf, 2008, p. 18). However, Ricento (2000, pp. 208-209) argues that macro level LPP processes cannot be understood if isolated from meso and micro layers. As such, this thesis examined the agents, levels, and processes involved in implementing IDEA for deaf students in a local context: a Texas school district. First, I proffered an analysis of how IDEA, TAC, TEC, and Emerson ISD policies function as *de facto* language policy for deaf students. The IEP process serves as language planning activity, allowing agents to open up or close down ideological and implementational space within federal, state, and district policies to promote multilingual, multimodal educational contexts for deaf students. There are, however, competing discourses within the IEP process. Most notably, tensions arise when trying to satisfy the LRE provision, ensure students' individual needs are met, and assure deaf students' unique communication modes are considered.

Turning to the implementation of language policy within the core of the LPP onion, I demonstrated how agents' historical bodies and language ideologies influence the degree to which implementational space in education policy are opened up within the state, district, and

campus layers. Agents at the state layer pried open implementational space in IDEA to pass the Deaf Child's Bill of Rights and, presently, propagate the less dominant discourse in place that agents within the district and campus layers consider students' unique communication needs. At the district level, Emerson ISD adopts as district policy portions of the Bill of Rights. Although both state and district policies enumerate deaf students' rights to receive an education in a multimodal, multilingual environment, agents within the district and campus layers close down these implementational space because of their beliefs that (a) deaf children learn language best when immersed with hearing children and (b) federal and state policies are inflexible, specifically the LRE provision of IDEA.

Considering the second and third research questions, I shifted the analytic lens to explore the ways in which ESPs and Spanish-speaking parents engage in the process of learning about and securing educational services for deaf students. I draw a distinction between the processes of learning about and securing educational services for two reasons. First, in order to make an appropriate determination about which services a student needs, it is important to know what types of educational services are available and understand the direct impact these services have on children's language development and academic achievement. Second, just as the IEP process is separated into two processes (e.g., (a) evaluation of students' academic and communication skills, and (b) developing IEP goals and determining which services are appropriate for the child), so, too, is the process of engaging parents in the selection of educational services two-fold. First, engaging parents in "learning about" the services needs to occur in order for parents to make informed decisions about the implications of these services and how they will impact the linguistic and cultural development of their children. Secondly, by law parents are to be included in deciding which services their children receive. Aside from parents being (a)

“present” at the IEP meetings, (b) included as a “member” of the group, and (c) have a “meaningful opportunity” to participate in IEP meetings, IDEA and federal guidelines are silent as to *how* the parents fulfill these roles (CFR, 2010, § 300.322; 300.501(b)(i-ii), and (c)). However, as the ESPs in this study suggest, there are discourses in place that frame the interaction order between ESPs and parents as both unidirectional and bidirectional.

Additionally, learning about and securing services take place over the course of several meetings, as Paloma eluded to as she described her experience in this process. As such, different ESPs are involved in each of these discussions. In the case of Paloma, the district’s deaf education specialist was heavily involved in the initial meetings. Later on, the deaf education teacher and speech therapist stepped in to conduct evaluations and convene the IEP meeting. Given this multi-phased process, I first analyzed the degree to which “learning about” educational services takes place. As the data presented suggest, little discussion takes place between ESPs and parents at Moore Middle School regarding the options that are available for deaf students. Tricia, the special education campus coordinator at Moore Middle School, relying on her historical body, indicates that these discussions occur less frequently at the middle school level because by the time deaf children enter middle school their services are fairly well established (Interview, May 27, 2009).

Both Tricia and Dolores, the speech therapist, suggest that more extensive discussions between ESPs and parents take place earlier in the child’s life when a hearing loss is initially detected. Spanish-speaking parents, on the other hand, suggest that they rely on ESPs for their recommendations because their individual historical bodies differ from the ESPs. Based on Paloma’s historical body, ESPs are respected as the authority on determining the appropriate services that children receive. This discourse in place supports similar findings from Steinberg

et al.'s (2003) investigation into the decision-making experiences of Spanish-speaking families, as well as Wathum-Ocama and Rose's (2003) study of Hmong immigrant parents' experiences.

I then turned to explore the experiences of ESPs and parents as they engaged in securing educational services which takes place during the IEP meeting. Assessing the degree to which ESPs and parents collaborate to secure educational services, there appeared to be more of a unidirectional exchange in selecting services for Miguel. ESPs proffered their recommendations and Paloma and her husband accepted them. This unidirectional exchange appeared to be a mutually accepted practice. The ESPs asked Paloma for her input; Paloma responded by stating she was not sure how to contribute to the discussion based on her historical body and asked for the ESPs recommendations. Embedded within both processes, "learning about" and "securing" educational services for deaf students, two main discourses in place emerge. The first discourse in place is "ESPs as experts who conduct student evaluations and make recommendations to parents for their approval." This discourse is taken up by both the ESPs and the parents. The second discourse in place, "Spanish-speaking parents as recipients of ESPs recommendations who accept their assessments and determinations," is also taken up to some degree by both the ESPs and parents.

### **Implications for Implementing Deaf Education Policies**

While the findings from this study are not generalizable, the salient themes do have implications for both policy and practice. First, policies are not mechanically passed down from the outer layer of the LPP onion to the next, until finally arriving to the core of the onion where it is implemented in precisely the way that it was intended by the policy makers at the federal level. Rather, as many researchers contend (Ball, 2006; Johnson, 2004, 2009a, 2009b; Ricento &

Hornberger, 1996) and as I have shown through this case study, policies are interpreted and reinterpreted within each of the layers of the LPP onion. Agents exercise their agency to pry open or close down ideological and implementational space within policy texts to support multilingual education (Hornberger, 2002). While the dominant discourse in place that IDEA requires the placement of in the regular education classroom, we see how agents within the state layer use their historical bodies, including their language ideologies and beliefs about education policy, to open up ideological space within the texts. As Ricento and Hornberger (1996) suggest, agents within the core of the LPP onion can (and do) exercise their agency to take up less common discourses in place that can be carved out of policy documents. The findings reported herein illustrate that agents successfully resist dominant policy discourses (see specifically Scott and Ann).

Second, turning to implications for practice, agents within the campus layer ultimately determine the placement of deaf children. Competing discourses in place concerning the interpretation and implementation of LRE, communication needs provision, and other provisions within policy texts circulate within and among all of the policy layers. Ultimately, however, the discourses taken up by the educational service providers in the campus layer have the greatest influence on where deaf children are placed, whether in a regular education classroom, a deaf education classroom, or a school for the deaf. Agents' historical bodies and language ideologies influence the interaction order and the discourses in place. When engaged in the interaction order of creating the IEP, the research findings suggest that the Spanish-speaking parents in this case study often defer to the ESPs' recommendations. Both Paloma and Nudy reported that this was due, in part, to a disconnect between their historical bodies and the interaction order of the IEP meeting. Rather than accept the dominant discourse in place that parents are the recipients

of the ESPs' recommendations, ESPs can choose to adopt the discourse within IDEA that parents play a meaningful role in the decision-making process (recall chapter 4). As such, ESPs can help Spanish-speaking parents take an active role in the IEP creation process by educating parents on the purpose of the IEP; the interaction order of the event; and the educational contexts that are available for deaf students, highlighting the implications for children's language development.

Third, the degree to which deaf children can access language and communication is dependent upon the context within which they are placed by the IEP team. IDEA was constructed and passed in an effort to provide equal educational opportunities for students with disabilities. Through the discourses that have emerged since its passage, the "regular education classroom is the LRE for students with disabilities" has become the dominant discourse in deaf education. However, as demonstrated by the textual analysis of the policies, there are other policy discourses that can be taken up by agents to advocate for multilingual, multimodal educational contexts where deaf children have unrestricted access to language and communication with peers and teachers. One direct implication for practice is assessing the Spanish proficiency levels of deaf students from Spanish-speaking homes. In the case of Miguel, the speech therapist at Moore Middle School indicated that his Spanish proficiency skills were not formally assessed, even though he had attended elementary school in Mexico. She reported that the bilingual education personnel did not see a need to assess the student (Interview, April 23, 2009). Thus, changing the nexus of practice in assessing deaf students' language skills must be undertaken so as to include testing deaf students' proficiency in spoken and signed languages other than English and ASL.

## **Changing the Nexus of Practice**

Undertaking a nexus analysis is a three-fold process. First, a researcher engages a nexus of practice by identifying a social issue, finding the social actors who take part in the social action, observing the interaction order, and determining the discourse cycles (Scollon & Scollon, 2004, p. 153). Through engaging a nexus of practice, the researcher is able to focus the analytic lens on the social action where the social issue takes shape. The second step involves navigating the nexus of practice. This entails mapping “the cycles of the people, places, discourses, objects, and concepts which circulate through” the social action (Scollon & Scollon, 2004, p. 159). After mapping the discourses in place circulating within the social action, one can move forward in changing the nexus of practice. Having engaged and navigated the nexus of practice whereby educational services for deaf children from Spanish-speaking homes are selected and secured, I now outline ways in which individuals within the nexus of practice, especially those situated in the onion’s core, can change the nexus of practice to ensure deaf students (from Spanish-speaking homes) have access to multilingual, multimodal learning contexts. As Scollon and Scollon (2004, p. 178) assert, by virtue of engaging the nexus of practice the nexus changes.

### **(Re)consider the Dominant Discourses in Place**

Here I present my recommendations for changing the cycles of discourse by first presenting some of the dominant discourses in place that emerged in this study, followed by my suggestions for how to shed light on the false premises that undergird the discourses.



**The regular education classroom is the LRE for deaf students because IDEA defines the regular education classroom as the LRE.**

As discussed in chapter 2, IDEA's "strong preference" for placing children in mainstreamed settings has developed over time through court rulings and subsequent reauthorizations. However, even though the regular education classroom is the preferred educational context set forth in IDEA, alternative placements are also outlined in IDEA that are equally appropriate and should be considered. The LRE provision is not what drives student placement. Students' needs outlined in students' IEPs drive student placement. IEP teams determine which educational context constitutes the LRE for the child. IDEA does not prescribe pre-determined services or mandate specific educational contexts for children based on disability type. Rather, IDEA places these decisions in the hands of the IEP team members (recall chapters 2 and 4).

There are two sources, in addition to the textual analysis of IDEA laid out in chapter 4, that ESPs and parents can draw upon to counter the dominant discourse in place that the regular education classroom is the prescribed placement option except in unusual circumstances. First, the Code of Federal Regulations reasserts IDEA's position that the LRE is determined based on children's individual needs and in the cases of deaf children, their communication needs must be considered when determining the LRE (Regulations of the Offices of the Department of Education, 2010).<sup>57</sup>

The second source is an article by Smelter, Rasch, and Yudewitz (1994). Smelter et al. (1994) address the legal problems of a strictly inclusionist model by juxtaposing the philosophical underpinnings of the inclusion movement against the LRE provision. They argue that taking either a strictly inclusionist or exclusionist stance (i.e., all deaf children are to be

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<sup>57</sup> An excerpt from the CFR can be found in Appendix D.

educated in the regular education classroom or all deaf children are to be educated in a school for the deaf) violates the LRE provision because neither position considers the child's individual needs as mandated by IDEA. Smelter et al. (1994) contend that both positions:

are preconceived mental constructs that assume that only one solution exists to the various challenges faced by children with special needs. This is analogous to your family physician's prescribing in advance the same medication for every illness that you and your family contract. (p. 36)

I strongly recommend this article to all parents and ESPs who work with deaf children and children with disabilities. Perhaps one of the most effective ways of changing the discourses in place is by introducing other discourses within policy texts and guidelines that receive less attention or are ignored altogether. By turning to the policy texts to support their recommendations, ESPs can change the cycles of discourse surrounding LRE and the IEP process.

**The regular education classroom is the LRE for deaf students because hearing children serve as language models for deaf students.**

Spoken languages are relayed through speech and sound. Signed languages are relayed through signs, body movements, and facial expressions. Both sets of languages rely on different methods for communication. As such, spoken language does not serve as a model for signed language just as signed language cannot serve as a model for spoken language. Immersing deaf students who communicate in signed language into a spoken language environment does not help deaf students develop spoken language proficiency because deaf people's access to a spoken modality is restricted. Undertaking a serious analysis of the degree to which hearing students serve as effective language models for deaf students is necessary. In cases where students with hearing loss can access auditory stimuli and produce clear speech, hearing peers may serve as language models and in those cases the regular education classroom would be the LRE. For deaf

students who are unable to access the auditory stimuli, however, hearing children do not serve as language models for deaf students. Johnson et al. (1989), Muhlke (2000), Ramsey (1997), and Siegel (2008) speak eloquently to these issues.

### **Parents Report: Lessons for Including Their Voices**

Parents are an integral member of the IEP team. Parents bring to the table unique perspectives and insights into the linguistic, academic, social, and behavioral development of their children. Based on comments and suggestions made by parents in this study, I offer recommendations for including their voices in the IEP process as well as ways in which to help Spanish-speaking families connect with each other.

#### **Education brokers and advocates.**

I strongly suggest that a Spanish-speaking ESP be assigned to work with Spanish-speaking parents of deaf children. This person serves as an education broker for the parents. This person would provide support by way of discussing how IEP meetings take place, the purposes of the IEP process, and parents' role as a member of the IEP team. Both mothers in the study pointed to an ESP in the school who served as their education broker (in one case it was the deaf education teacher and in the other case it was one of the deaf education specialists). Emerson ISD is also starting a pilot program where they train community members to serve as advocates for families with children who have disabilities. ESPs might consider referring Spanish-speaking families to organizations or members in the local community who can serve as an advocate for the families throughout the IEP process.

### **Forum for Spanish-speaking parents to meet.**

The mothers in this case study expressed an interest in connecting with other Spanish-speaking parents of deaf children. Providing a forum for Spanish-speaking parents (and all parents of deaf students) to meet one another and have opportunities to form strong networks of support would be a great benefit to both the families and ESPs. Perhaps organizations or mechanisms already in place such as Parent Teacher Associations or special education support groups for parents might be an avenue for Spanish-speaking parents to connect with one another. Another possibility might be for ESPs to ask parents' permission to share their contact information with other Spanish-speaking families in the district.

### **Future Research Directions**

This case study has opened new space within the body of research that investigates the discourses in place with respect to deaf education policy and individual agents' participation in the implementation of *de facto* language policy. This space can be pried open further to build on this current study as well as to pursue other directions. Just as Hornberger (2005) suggests that we find and fill ideological and implementational space within language policies with multilingual educational practices, I suggest that we also fill research space with studies that investigate multilingual, multimodal linguistic landscapes. Therefore, I offer future directions of inquiry that researchers might consider to achieve this end.

### **Building on the Present Study**

First, having identified some of the competing discourses in place within the policy texts and among social actors within the multiple layers of the LPP onion, one could explore these

discourses in other schools in various parts of the country. A study similar to the one presented in this thesis could be conducted with parents of deaf students who speak languages other than Spanish. The findings would cast a wider light on the pervasiveness of these discourses in place suggesting the degree to which these discourses take shape similarly or differently in different contexts. Conducting a study similar to the present case with English speaking parents of deaf children may also contribute to understanding ways in which these discourses in place are similar to or different from the experiences of parents of who speak languages other than English.

In addition to conducting this research study in other parts of the country and with other populations, extending the current research study through an ethnography of the IEP process in a school district would provide deeper insights into how the discourses in place are mapped over time. As suggested by ESPs in this study (recall chapter 4), conducting this study with Spanish-speaking parents of deaf children who are recently identified with a hearing loss may lead to equally rich data. An ethnography that explores the interactions between ESPs and parents at the initial stages of the diagnosis would lend a significant contribution to this body of research.

### **Additional Lines of Inquiry**

There are many zones of identification within the nexus of practice of selecting educational services for deaf students that would be fruitful to explore. I offer a few suggestions here.

#### **Textual analyses.**

Having identified some of the tensions in IDEA between the LRE and communication needs provisions, perhaps one might also conduct a textual analysis of competing discourses

within IDEA and other education policies such as NCLB. With NCLB requirements requiring students' receive access to general education curriculum and highly qualified teachers, perhaps these requirements also influence the IEP creation process and the educational placement decisions. Given the shifting discourse within IDEA since it was initially passed in 1975 to today, one might investigate how the discourses in place surrounding parents' roles in IDEA have changed with subsequent reauthorizations. Additionally, carrying out a comparative study of IDEA and deaf education policy texts from other countries would illuminate the ways in which the policies frame deafness: as a disability or as a characteristic of a cultural and linguistic minority.

#### **Discourses in place within the LPP layers.**

Perhaps the lens might be turned on the processes by which ESP trainings are carried out and what discourses emerge in the trainings and monthly special education meetings. One might also consider conducting a conversation analysis of the IEP meetings to see how the language policy takes shape: what the interaction order is like; how ESPs and parents negotiate this interaction; the degree of participation of each of the IEP team members; what IEP goals were initially put forward as compared to the final IEP goals. The parents in this study indicated that there were specific agents at Emerson ISD who reached out to them and encouraged them to take a more active role in the IEP meeting. Undertaking an investigation that highlights the role of advocates in changing the nexus of practice would add to the body of research.

Turning to the outer layer of the onion, one might consider focusing the lens on the discourses in place within the U.S. Department of Education as well as Congressional committees that address education issues. One might also expand the circumference to include

agencies and organizations that interface with the U.S. Department of Education and members of Congress.

### **Challenging the IEP process and IEP implementation.**

While Spanish-speaking parents in this study agreed with the ESPs' recommendations, it would be fruitful to find examples of parents who challenge their recommendations. One might explore what factors influenced them to do so; the ways in which they challenged the recommendations; and the final outcomes. Undertaking a study of the formal channels whereby parents challenge the school's IEP recommendations would be helpful in determining the dominant policy discourses and discourses in place that circulate within the judicial layers, and when and under what circumstances dominant discourses are successfully challenged.

In addition, one might research the number of cases where IEP recommendations are challenged through due process hearings: who filed the initial challenge, how many cases settle, who are the prevailing parties, and which types of services are most often upheld or struck down by hearing officers? After completing an IEP, it is then implemented by the deaf student's teacher(s). Perhaps conducting a study of how the IEPs are implemented in the classroom would shed light on how ESPs negotiate tensions among the individual IEP goals.

### **Beliefs about language and deafness.**

Recalling the degree to which educational contexts are viewed as least or most restrictive as illustrated in Figure 4.1, one could investigate the discourses that IEP team members take up about how linguistically accessible each of the educational contexts are for deaf students (from Spanish-speaking homes). Additionally, beliefs about how language is learned may be a factor

that influences how one views the benefits to each of the educational contexts. Given the tensions that exist between ensuring deaf students' access to language and access to the general education curriculum (Raquel brought up this tension during the interview on June 22, 2009), perhaps conducting a study that investigates the discourses in place within the policy texts and among ESPs would bring to bear other factors that may influence placement decisions. One might also consider the ways in which ESPs and parents frame deafness: as a disability or as a characteristic of members of a cultural and linguistic minority.

Considering the assessment requirements set forth in NCLB, one might also identify and evaluate the types of instruments used to assess deaf students' language abilities. Because IEP goals are based on students' current academic performance and language proficiency, a study that analyzes the types and effectiveness of instruments used to assess deaf students' language proficiency and academic performance would also contribute to the current body of research. Valid and reliable assessment data are fundamental to constructing accurate and appropriate IEP language goals.

### **Final Thoughts: The Power of One**

I end by drawing attention to the power of one individual to effectuate change within their sphere of influence. To illustrate the power of one, I make mention of the process whereby I discovered this nexus of practice and was able to engage with it. Four years ago, one Spanish-speaking mother of a deaf child sought out a sign language instructor who could teach her ASL so she could learn to communicate with her deaf children. This mother and I were matched through the Family Signs Program at Texas School for the Deaf; we embarked on a year-long adventure together. During our time together, Maria planted a seed from which sprang this



research study. At every point along the way, it was one individual who guided me to this research path and other individuals who allowed me to continue forward along the path: a professor who suggested I write a thesis, another professor who was perfectly situated to provide me with the training and support to undertake this study; an Emerson ISD district official who carved out space within the board policies to grant me access to families and ESPs; Spanish-speaking parents and ESPs who agreed to share their experiences with me. Yet this project's roots can be traced back to a seed planted by one person: a Spanish-speaking mother of deaf children.

Individuals within all layers of the LPP onion, especially ESPs, are uniquely situated to open and fill up implementational space to promote multilingual, multimodal education for deaf students. Ralph Waldo Emerson once said, "The creation of a thousand forests is in one acorn." May we recognize the power we each have to shape thousands of forests and may we stand with John Gardner and say "Only one man can do anything."

## **APPENDIX A: Interview Guidelines<sup>58</sup>**

### **DISTRICT POLICYMAKERS**

#### *Educational services and policies*

1. What types of educational services are available for deaf students at EISD? What educational services are available for students at Moore Middle School?
2. How are district policies created? Can you take me through the process of creating a policy related to educational services at EISD?
3. From your perspective, what are the policies that govern the educational services offered at EISD?
4. District policies related to educational services for deaf children are interpreted by whom?
5. How are changes in district policies communicated to you? Is there oversight in the implementation of the policies?
6. How are district policies evaluated? How often?
7. How are district policies communicated to program coordinators and educational service providers at Moore Middle School?
8. What do the policies say about deaf children being English Language Learners?
9. In which language(s) are deaf children assessed during the intake process?
10. Are home languages (Spanish, Mexican Sign Language, etc.) incorporated into classroom instruction?
11. In what language(s) is speech therapy offered?
12. School work that is sent home to be completed is in what language(s)?

#### *Engaging with Spanish-speaking parents of deaf students*

13. Are families and community members involved in the policy-making process? Is communication accessible to families who speak a language other than English?
14. How are district policies communicated to parents and the community?
15. In what types of settings and for what purposes do district policy makers, educational service providers, and families of deaf children who receive educational services interact with one another?

### **EDUCATIONAL SERVICE PROVIDERS**

#### *Educational services and policies*

1. What types of educational services are available for deaf students at Moore Middle School?
2. Who are the educational service providers?
3. What types of educational materials are available for parents in learning about the various educational services offered at EISD and Moore Middle School?

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<sup>58</sup> Interview guidelines are adapted from questions found in Corson's (1999) and King's (2001) work.

4. How are policies regarding educational services offered to deaf children created, interpreted and implemented?
5. Are you involved in the policy making process?
6. What kinds of interactions do you have with district officials that oversee the types of educational services offered at Moore Middle School?
7. How do you learn about district, state, and federal policies?
8. Do you share feedback regarding the types of educational services provided to deaf students with school or district officials?
9. What types of training are offered to Spanish-speaking interpreters?
10. What types of training are offered to communicate new policies related to deaf education?
11. What do the policies say about deaf children being English Language Learners?
12. In which language(s) are deaf children assessed during the intake process?
13. Are home languages (Spanish, Mexican Sign Language, etc.) incorporated into classroom instruction?
14. In what language(s) is speech therapy offered?

*Engaging with Spanish-speaking parents of deaf students*

1. What languages do you speak and which sign languages do you know?
2. Take me through the process of engaging Spanish-speaking parents with deaf children in learning about and securing educational services for their deaf children here at Moore Middle School. Perhaps reconstruct a recent interaction with a Spanish-speaking parent of a deaf student who was seeking information regarding educational services available for his/her child.
3. In what language(s) are these interactions conducted? If an interpreter is used, how effective is the communication process?
4. How often do you engage with Spanish-speaking parents of deaf Latino students?
5. How do you communicate with Spanish-speaking parents of your deaf students? If it is through email or a communication log, in which language(s) is the communication transmitted?
6. During interactions with Spanish-speaking parents, do questions about school or district policies related to educational services arise? If so, where do you turn to find the answers?
7. Are you asked by Spanish-speaking parents to offer your personal or professional opinion regarding which type of services would be best for their deaf children?
8. Are there district policies or professional codes of conduct that outline what type of advice is appropriate to give parents of deaf children who are requesting counsel?

## **SPANISH-SPEAKING PARENTS**

### *Learning about and securing educational services*

1. When was your child diagnosed with a hearing loss?
2. What types of services were offered to your child at the time of the diagnosis?
3. What types of educational services are now being offered to your child at Moore Middle School?
4. How long has your deaf child been receiving educational services?
5. If your child is receiving speech therapy, in what language(s) is the therapy offered? In what language(s) is the therapy received?
6. If your child is receiving sign language instruction, what form of sign language is being used?
7. What other types of services that you know of are offered at Moore that your child is not receiving?
8. Take me through the process you experienced securing educational services for your deaf child at Moore Middle School.
9. Did you solicit educational service providers' personal or professional opinions when deciding upon which services to secure for your deaf child? Who else did you consult?
10. What types of materials did you receive from the school regarding services for your child?
11. Were the materials and the information provided to you by the school understandable and comprehensive?
12. When you have questions about your child's educational services, who do you contact?
13. How often are you in contact with educational service providers at Moore Middle School?
14. How do you communicate with educational service providers from Moore Middle School (e.g., by phone, email, notes, visits)?
15. What languages do you speak and which sign languages do you know?
16. What language(s) do you use to communicate with your child?
17. If interpreters are provided, how effective is the communication when working through an interpreter?
18. Are you involved in making recommendations to school or district officials about the types of educational services offered to your deaf child?
19. What has been your experience in attending your child's IEP? Have you ever challenged the recommendations of the teacher or school? In what language(s) are the IEPs conducted? Is an interpreter present? Are the IEP documents translated into Spanish?

## APPENDIX B: Interviews and Audio Recordings

<b>Name*</b>	<b>Date</b>	<b>Language</b>	<b>Location</b>	<b>Duration</b>
<b>State Level</b>				
Scott	June 15, 2009	English	Office	80 min 25 sec
Rebecca	Jan. 5, 2010	English	Office	103 min 56 sec
Michael	June 4, 2009	English	Office	71 min 7 sec
<b>District Level</b>				
Kate	Nov. 21, 2009	English	Coffee Shop	68 min 43 sec
Claire	July 7, 2009	English	Office	54 min 03 sec
Bernard	July 7, 2009	English	Office	66 min 50 sec
Sandra	June 1, 2009	English	Office	46 min 56 sec
Luz	May 6, 2009	English	IEP Conference Room	Not recorded
Eleora	Aug. 11, 2009	English	Restaurant	69 min 48 sec
Ann	May 19, 2009	English	Office	84 min 43 sec
<b>Local Level</b>				
Dolores	April 23, 2009	English	Office	71 min 07 sec
Tricia	May 27, 2009	English	Office	25 min 29 sec
Raquel	June 22, 2009	ASL	University Conference Room	101 min 29 sec
Teresa	May 19, 2009	English	Office	51 min 52 sec
<b>Parents</b>				
Nudy	May 8, 2009	Spanish	Home	126 min 15 sec
Paloma	May 6, 2009	Spanish	Home	53 min 08 sec

\*All pseudonyms.

## APPENDIX C: Participants' Backgrounds

### Background of Educational Service Provider Participants

Name*	Position	Yrs. of experience in Special Education
<b>State level</b>		
Scott	Deaf Education Specialist	20+
Rebecca	Deaf Education Specialist	20+
Michael	Deaf Education Specialist	10+
<b>District level</b>		
Kate	Special Education Attorney	15+
Claire	Special Education Director	20+
Bernard	Testing Services Director	20+
Sandra	Special Education Program Supervisor	20+
Luz	Deaf Education Program Specialist	20+
Eleora	Interpreter Coordinator	15+
Ann	Audiologist	20+
<b>Local level</b>		
Dolores	Speech pathologist	5+
Tricia	Campus Special Education Program Coordinator	15+
Raquel	Deaf Education Teacher	5+
Teresa	Elementary school speech pathologist	15+

### Background of Parent Participants

Name*	Years attending IEP meetings	Country of Origin
Nudy	less than 5	Mexico
Paloma	less than 5	Mexico

\*All pseudonyms.

## APPENDIX D:

### Excerpt from the 34 Code of Federal Regulations Parts 300 and 301

*Comment:* One commenter stated that the LRE requirements are often misinterpreted to be a mandate to include all children who are deaf or hard of hearing in their local schools. The commenter stated that the placement decision for a child who is deaf or hard of hearing should be based on the child's communication needs and must be the environment that presents the fewest language and communication barriers to the child's cognitive, social, and emotional development. Some commenters cautioned that inclusive settings might be inappropriate for a child who is deaf and who requires communication support and stated that the LRE should be the place where a child can be educated successfully. A few commenters requested the regulations clarify that all placement options must remain available for children who are deaf.

One commenter recommended strengthening the requirement for a continuum of alternative placements and stated that a full range of placement options is necessary to meet the needs of all children with visual impairments. Another commenter urged the Department to ensure that children with low-incidence disabilities (including children who are deaf, hard of hearing, or deaf-blind) have access to appropriate educational programming and services at all times, including center-based schools, which may be the most appropriate setting for children with low-incidence disabilities.

*Discussion:* The LRE requirements in §§ 300.114 through 300.117 express a strong preference, not a mandate, for educating children with disabilities in regular classes alongside their peers without disabilities. Section 300.114(a)(2), consistent with section 612(a)(5)(A) of the Act, requires that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

With respect to the recommendation that the placement for children who are deaf or hard of hearing be based on the child's communication needs, § 300.324(a)(2)(iv), consistent with section 614(d)(3)(B)(iv) of the Act, clarifies that the IEP Team, in developing the IEP for a child who is deaf or hard of hearing, must consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, and the child's academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode. With respect to strengthening the continuum of alternative placement requirements, nothing in the LRE requirements would prevent an IEP Team from making a determination that placement in the local school is not appropriate for a particular child.

Section 300.115 already requires each public agency to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. We believe this adequately addresses the commenter's concern.

The process for determining the educational placement for children with low-incidence disabilities (including children who are deaf, hard of hearing, or deaf-blind) is the same process used for determining the educational placement for all children with disabilities. That is, each child's educational placement must be determined on an individual case-by-case basis depending

on each child's unique educational needs and circumstances, rather than by the child's category of disability, and must be based on the child's IEP. We believe the LRE provisions are sufficient to ensure that public agencies provide low-incidence children with disabilities access to appropriate educational programming and services in the educational setting appropriate to meet the needs of the child in the LRE.

*Changes:* None. (Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 2006, p. 46,585-46,586)



## **APPENDIX E: Acronyms Used**

ASL	American Sign Language
CFR	Code of Federal Regulations
ESP	Educational service provider
FAPE	Free appropriate public education
IDEA	Individuals with Disabilities Education Improvement Act of 2004
IEP	Individualized education plan
LPP	Language policy and planning
LRE	Least restrictive environment
NCLB	No Child Left Behind Act of 2001
TAC	Texas Administrative Code Chapter 29
TEC	Texas Education Code Chapter 89
TESOL	Teachers of English to Speakers of Other Languages

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## VITA

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