Specific Learning Disabilities: Eligibility Determination under IDEA 2004

Special Education Planning and Policy Development (SEPP)
February 2008

MASSACHUSETTS DEPARTMENT of EDUCATION

1

Session Goals

- To learn what a Specific Learning Disability (SLD) is.

- To become aware of how classroom practices and SLD eligibility are related.

- To become aware of the process of determining eligibility with a SLD.

- To learn how to use the forms and technical assistance around SLD.

IDEA 2004 and SLD

- The passage of IDEA 2004 brought about some changes in determining Specific Learning Disabilities as compared to IDEA '97

  but

- Much of the process has stayed the same

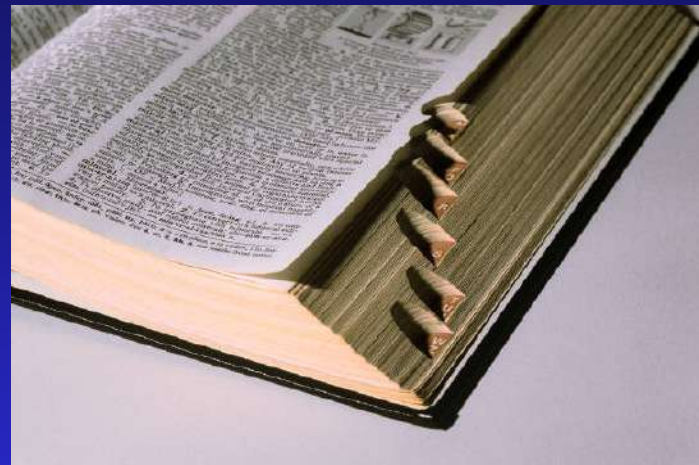- 34 CFR 300.307 – 300.311

First:

What is a Specific Learning Disability?

SLD Definition

■ " a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written that may manifest itself in the imperfect ability to

◆ listen,

◆ think,

◆ speak,

◆ read,

◆ write,

◆ spell,

◆ or to do mathematical calculations…" 300.8(c)(10)(i) *(bullets added)*

SLD Definition continued

- Includes:
  - Perceptual disabilities
  - Brain injury
  - Minimal brain dysfunction
  - Dyslexia, and
  - Developmental aphasia

SLD Definition continued

- Does **not** include learning problems that are primarily the result of:
  - ◆ Visual, hearing, or motor disabilities
  - ◆ Mental retardation
  - ◆ Emotional disturbance, or
  - ◆ Of environmental, cultural, or economic disadvantage

MA Comprehensive Process
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation

Stop and Think

Think about your school and what happens when a student is referred for special education evaluation with a Specific Learning Disability. Write down what happens when you are going to evaluate.

Required Forms

- Historical Review and Educational Assessment (SLD 1 pink)
- Area of Concern and Evaluation Method (SLD 2 blue)
- Exclusionary Factors (SLD 3 yellow)
- Observation (SLD 4 purple)
- Team Determination of Eligibility (Mandated Form 28M/10)

Technical Assistance Documents

- SLD Eligibility Requirements Instructions (SLD TA 1)

- SLD Eligibility Checklist (SLD TA 2)

- Ensuring Underachievement is Not Due to Lack of Appropriate Instruction in Reading or Math (SLD TA 3)

- Instructional Support Team Technical Assistance Prior to Referral for Special Education Evaluation (SLD TA 4)

- 11

Instructions and Checklist

- Eligibility Requirements Instructions (detail)

- Eligibility Checklist (bullets)

- These outline the 4 Components

- Once the eligibility process has begun, all 4 Components will be addressed concurrently

Procedure

- Referral for special education evaluation is received

- Determine the evaluation tools that will be utilized

- Ensure that each Component will be completed

  - One person may complete all Components or they could be distributed across several professionals
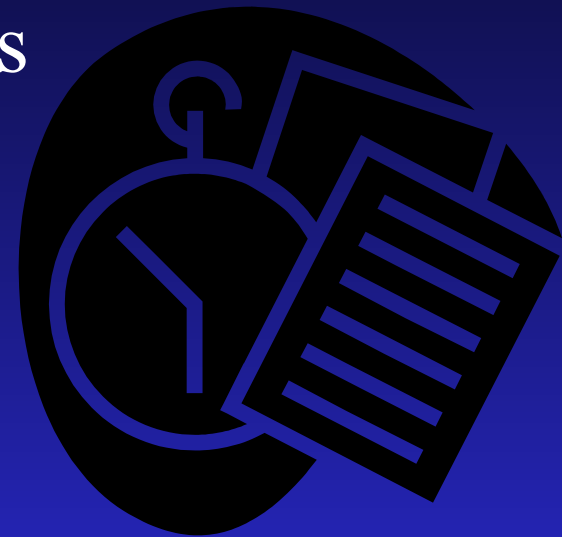
Procedure continued

- All Components are addressed simultaneously during the evaluation timeframe

- At the eligibility meeting, a report on each Component given

Stop and Think

Think about a student that you know that struggles with learning and may be, or has already been referred for evaluation with a SLD. Using Handout B to help, write down what you know about this student.

15

MA Comprehensive Process
4 Components

1. Historical Review and Educational Assessment

2. Area of Concern and Evaluation Method

3. Exclusionary Factors

4. Observation

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review *NEW*
  - ◆ 34 CFR 300.309(b)
- Participation Skills (existing)
- Performance History (existing)
- Medical Information (existing)

PINK

Historical Review

Purpose: to determine that poor or lack of instruction is not the reason for the student's low achievement in reading or math.

The Team must be prepared to consider if:

A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**; and

B. there is **data-based documentation of repeated assessments** of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.

Break it down!

A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**;

■ In the past, did the student get good instruction in ELA and Math from qualified teachers?

Break it down!

B. there is **data-based documentation of repeated assessments** of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.

- In the past, have parents been informed of the student's progress through grade reports, standardized testing, weekly quizzes, or other assessment measures?

20

Historical Review

Purpose: to determine that poor or lack of instruction is not the reason for the student's low achievement in reading or math.

The Team must be prepared to consider if:

A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**; and

B. there is **data-based documentation of repeated assessments** of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.

3 possible responses

- **YES, we can confirm both statements.**
  - ◆ Proceed with the evaluation.

  - ◆ **We can confirm SOME, but NOT ALL of both statements.**
- Gather additional information during the evaluation timeline in order to answer each of the questions (See SLD TA 3).

NO, we can not confirm either of these statements. (very rare!)

- Eligibility for SLD cannot proceed until the school district has sufficient information to confirm both statements. (See SLD TA 4).

Stop and Think

Think about your student. Can you confirm both statements in the Historical Review? If not, what needs to be done in order to confirm them?

Handout B Question 3

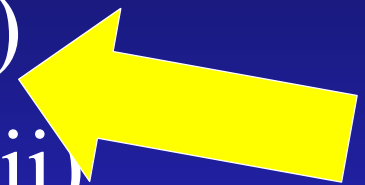# Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills (existing)
  - ◆ 603 CMR 28.04(2)(a)(2)(ii)
- Performance History
- Medical Information

PINK

Participation Skills

■Assessments of the student's
   ◆attention skills,
   ◆participation behaviors,
   ◆communication skills,
   ◆memory, and
   ◆social relations with groups, peers, and adults

Component 1: Historical Review and Educational Assessment – documented on SLD 1
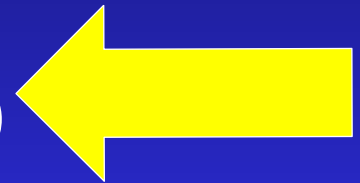
- Historical Review
- Participation Skills
- Performance History (existing)
  - ◆ 603 CMR 20.04(2)(a)(2)(iii)
- Medical Information

PINK

Performance History

- Supporting evidence shows that the student has:

  - ◆ consistently performed **within the range** of performance of same-age peers; or

  - ◆ consistently performed **better** than same-age peers; or

  - ◆ consistently performed **less well** than same-age peers; or

  - ◆ demonstrated **inconsistent** performance throughout his/her educational history.

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills
- Performance History
- Medical Information (existing)
  - ◆ 34 CFR 300.311(a)(4)
  - ◆ 603 CMR 28.04(2)(b)(1)

PINK

Medical Information

- Educationally relevant medical findings

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills
- Performance History
- Medical Information

PINK

Stop and Think

Think about your student. We have talked about the Historical Review, but now think about the Participation Skills, Performance History and Medical Information. Do you have enough information about these areas? If not, what do you need to do?

MA Comprehensive Process
4 Components

- Historical Review and Educational Assessment
- Area of Concern and Evaluation Method
- Exclusionary Factors
- Observation
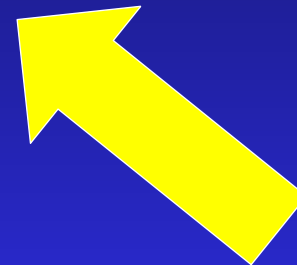
Component 2: Area of Concern and Evaluation Method – documented on SLD 2

- Area of Concern (existing)

- Evaluation Method
  - Response to Scientific, Research-Based Intervention

  and/or

  - IQ / Achievement Discrepancy (existing)

BLUE

Area of Concern ~ SLD Definition

- " a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written that may manifest itself in the imperfect ability to

- listen,
- think,
- speak,
- read,

- write,
- spell,
- or to do mathematical calculations…" 300.8(c)(10)(i) (bullets added)

Area(s) of Concern

The student is not achieving adequately because of the inability to process (understand and use) spoken or written language in one or more of the following areas:

- ◆ Oral Expression
- ◆ Written Expression
- ◆ Basic Reading Skills
- ◆ Reading Comprehension
- ◆ Reading Fluency Skills
- ◆ Listening Comprehension
- ◆ Mathematics Problem Solving
- ◆ Mathematics Calculation

35

Stop and Think

Think about your student. When that student was referred for evaluation, what was the area of concern? Do you know if it is because the student is not able to understand or use language, or do you need more information?

Component 2: Area of Concern and Evaluation Method – documented on SLD 2

■ Area of Concern

■ Evaluation Method
- ◆ Response to Scientific, Research-Based Intervention

and/or

- ◆ IQ / Achievement Discrepancy

■ 37

BLUE

Evaluation Method

■Response to Scientific, Research-Based Intervention

   and / or

■IQ / Achievement Discrepancy

Response to scientific, research-based intervention

- Has many names:
  - Response-to-intervention
  - Response-to-instruction
  - Three-tiered instruction
  - Recognition and response (generally used in early childhood education)

- Any kind of instructional support program that is based on research and provides assistance to students who are struggling.

39

Not really new!

- MA requires Instructional support
  - adequate instructional practices responsive to student needs
  - instructional support for students and teachers;
    - remedial instruction for students
    - consultative services for teachers
    - reading instruction
  - documentation of these support services;

Response to Intervention (A Model)

- Different levels of intensity or services
- Most popular models use three tiers, but any number of tiers can be used
- Continuous student progress monitoring occurs
- Data is used to inform instructional decision making

If you are going to use response to scientific, research-based intervention as an evaluation method, there are some important questions you will have to answer.
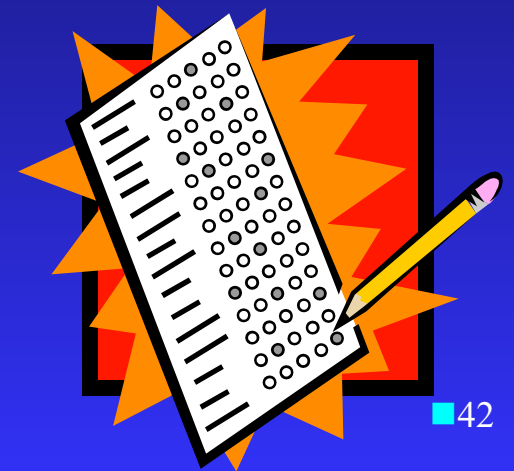
Response to scientific, research-based intervention as an evaluation method

- What is the Area of Concern?

- Do we have enough information from the interventions that have been tried so we know how the student learns?

- Is there enough information so that a responsive, data-driven IEP can be developed, if necessary?

43

Response to Scientific, Research-Based Intervention - continued

- What research-based strategies were implemented with the student?

- Has assessment data been collected at reasonable intervals?

- Have the student's parents been informed of
  - the teaching strategies,
  - the student's progress, and
  - their right to request an evaluation?

44

Stop and Think

Think about your student.

- Does your student participate in a response to scientific, research-based intervention process?

- If so, do you have enough information to use as part of the evaluation procedure? If not, what more information do you need?

Handout B Question 6

Evaluation Method

- Response to Scientific, Research-Based Intervention

and / or

- IQ / Achievement Discrepancy

46
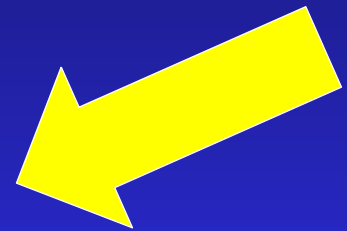
IQ / Achievement Discrepancy Model

■ Is there a severe discrepancy between ability and achievement in one or more of the Areas of Concern?

■ Is there a pattern of strengths and weaknesses in performance and/or achievement?

■ What information has been gathered from cognitive, behavioral, physical and/or developmental assessments?

■ Has the Team considered data from multiple assessments?

Stop and Think

Think about your student. Do you want to implement an IQ/Achievement Discrepancy model? If so, what different or additional information will you get from these assessments?

Handout B Question 7

Reminder!

- No matter what evaluation method you choose, you still must complete all parts of all 4 Components.

- As you are gathering all your evidence about the student's learning, keep in mind that you want appropriate information that will assist you in creating specially designed instruction and developing a responsive, data-driven IEP (if necessary).

Component 2: Area of Concern and Evaluation Method – documented on SLD 2

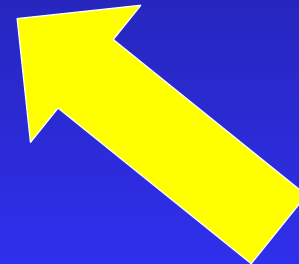- Area of Concern

- Evaluation Method
  - ◆ Response to Scientific, Research-Based Intervention
  - ◆ IQ / Achievement Discrepancy Model

BLUE

MA Comprehensive Process
4 Components

- Historical Review and Educational Assessment
- Area of Concern and Evaluation Method
- Exclusionary Factors
- Observation

Component 3: Exclusionary Factors - documented on SLD 3

■ Exclusionary Factors

◆ Not a new requirement

◆ 2 new exclusions added

◆ Cultural factors

◆ Limited English proficiency

YELLOW

Exclusionary Factors

- No matter what evaluation method is used, the Team must ensure that the identified area of difficulty is not primarily the result of:
  - cultural factors;
  - an environmental or economic disadvantage;
  - limited English proficiency;
  - a visual, hearing, or motor disability;
  - mental retardation; or
  - an emotional disturbance.

YELLOW

Stop and Think

Think about your student. Are there any exclusionary factors in play? Do you know for sure? Do you think more information needs be gathered on the student to ensure his/her underachievement is not due to one of these factors?
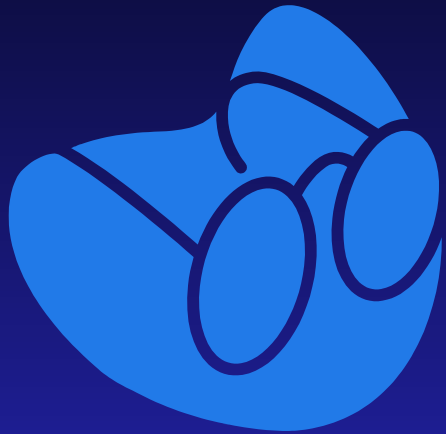
MA Comprehensive Process
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation
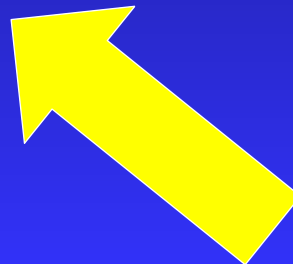
Component 4: Observation – documented on SLD 4

- 4 different observation forms - each for a different age group
  - ◆ SLD 4/OBS PreK
  - ◆ SLD 4/OBS Elementary
  - ◆ SLD 4/OBS Middle
  - ◆ SLD 4/OBS Secondary

PURPLE

Observation (continued)

■ Document academic performance and behavior in the Areas of Concern.

■ Can be conducted after the referral for evaluation has come in, or

◆ information from an observation in the Area of Concern during routine classroom instruction can be used.

■ If the student is younger than school age (3-5 years old) the observation must be conducted in the student's natural environment.

Stop and Think

Think about your student. Do you have an observation that has already been conducted? Does one need to be conducted that focuses on the identified Area of Concern? What would you hope to gain from the Observation?

MA Comprehensive Process
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation

Putting it All Together!

- Team Determination of Eligibility form
  - ◆ 28M/10

Procedure

- Referral is received

- Evaluation consent is given by parents

- Components 1-4 are assigned

- All Components are addressed simultaneously during the evaluation timeframe

- At the eligibility meeting, each Component is reported on – *using the Team Determination of Eligibility form*

Who should be on the Team?

- Student's parents

- The student's general education teacher.
  - If the student does not have a general education teacher:
    - a general education teacher qualified to teach a student of his or her age;
  - If the child is younger than school age:
    - an individual qualified by the state to teach a child of his or her age.

More Team Members

- At least one person qualified to conduct individual diagnostic examinations of children
- Such as:
  - School psychologist
  - Speech-language pathologist
  - Remedial reading teacher
  - Special educator
  - Audiologist

Team Determination of Eligibility (28M/10)

- Addresses each of the 4 Components as well as the Eligibility Flow Chart

- Will be filled out at the Eligibility Team Meeting

- Provides a road map for the Team discussion

Eligibility Finding

- Review Components 1-4

- Review Eligibility Flow Chart

- Determine eligibility

Sign-off

- Obtain signatures of Team members

- Each member checks the box to indicate agreement or disagreement with the Findings

- Obtain a written statement from any Team member who does not agree with the Finding and attach to the form.

66

Next steps…

- If eligible for Special Education services:
  - schedule the IEP meeting

- If not eligible:
  - determine next steps with the student

67

References

- Building the Legacy: IDEA 2004
- Federal Register, August 14, 2006 – Volume 71, Number 156
- IRIS Center
- National Center for Learning Disabilities
- National Center on Response To Intervention
- National Center on Student Progress Monitoring
- National Dissemination Center for Children with Disabilities (NICHCY)
- National Research Center for Learning Disabilities