

Key Components of the 2010 *Guidelines for Identifying Children with Learning Disabilities*

Patricia L. Anderson, Ph.D.
Education Consultant
Connecticut State Department of Education
Bureau of Special Education
860-713-6923
patricia.anderson@ct.gov

Identification of a Specific LD and Determining Eligibility for Special Education

- Student referred to PPT for evaluation as SLD
 - IDEA 2004 – families/school personnel have right to refer a student for consideration of eligibility for special education services by requesting an evaluation at any time, including prior to completion of an SRBI process.
 - PPT must respond to all referrals by holding a meeting to determine whether a comprehensive evaluation is warranted.

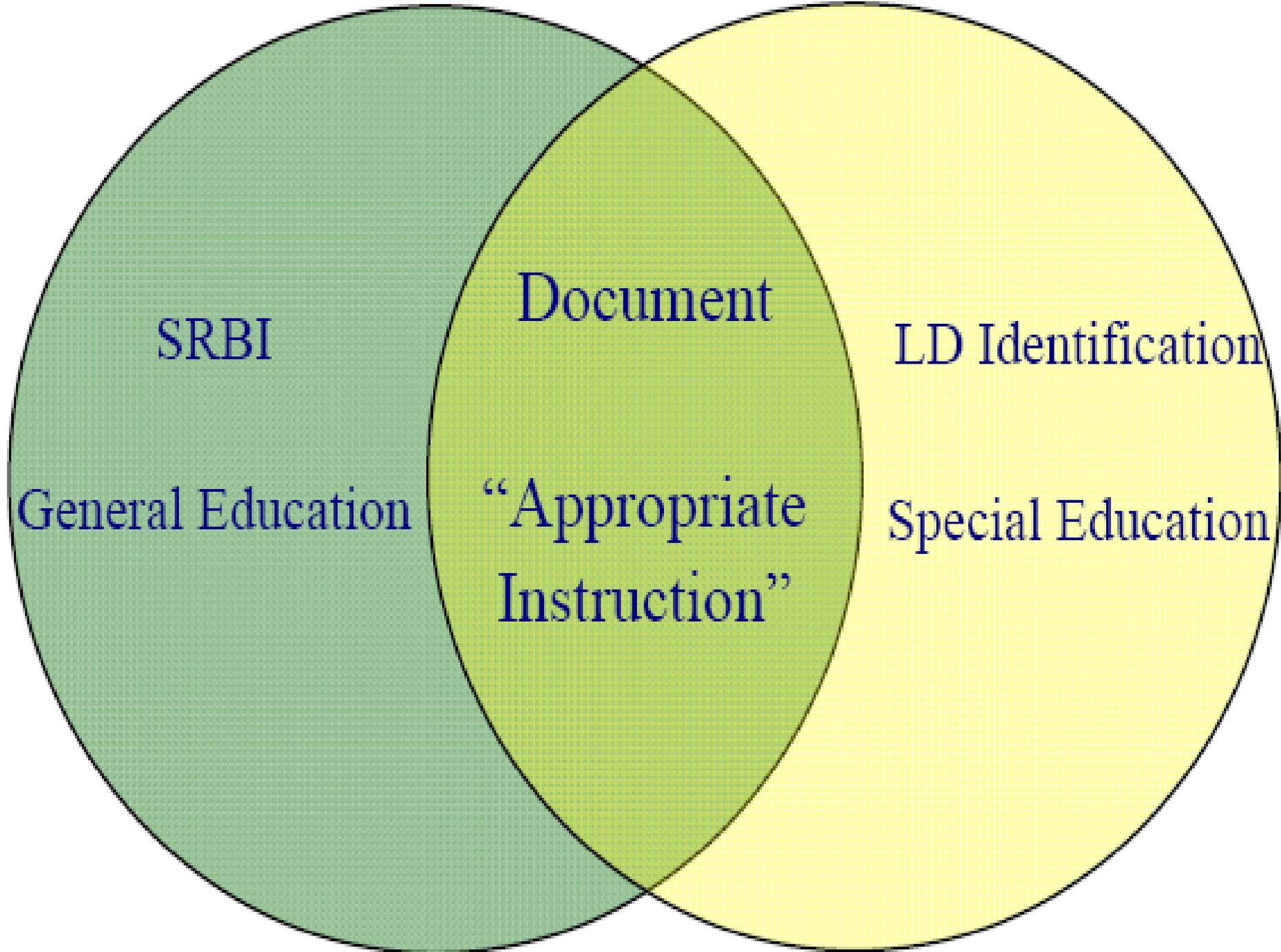


Identification of a Specific LD and Determining Eligibility for Special Education

- Student referred to PPT for evaluation as SLD
 - Review existing information to determine if comprehensive evaluation is warranted.
 - Were “alternative procedures and programs” implemented in regular education? (10-76d-7)
 - IDEA 2004 regulations require the “rule out” of a lack of appropriate instruction and documentation that underachievement is not the reason for a student’s suspected learning difficulties.

Identification of a Specific LD and Determining Eligibility for Special Education

- Student referred to PPT for evaluation as SLD
 - PPT “must ensure that the student was provided appropriate instruction in regular education settings, delivered by qualified personnel.”
 - An evaluation process that includes SRBI/RTI does NOT replace the need for a comprehensive evaluation. [OSEP - *Federal Register*, 71[156], August 14, 2006, page 46647)]



SRBI

General Education

Document

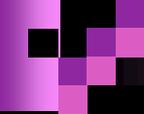
“Appropriate
Instruction”

LD Identification

Special Education

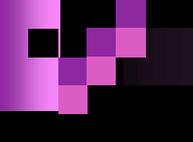


Designing a Comprehensive Evaluation



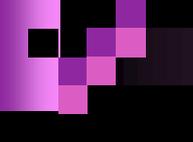
Designing a Comprehensive Evaluation

- PPT must review existing data, including any evaluative data gathered during the SRBI process:
 - SRBI/RTI data;
 - Curriculum based assessments;
 - Vision/hearing screenings;
 - Developmental, educational, medical history;
 - Statewide academic assessments – CMT/CAPT;
 - Additional data, evaluations or attendance/discipline records.



Designing a Comprehensive Evaluation

- IDEA 2004 requires that school personnel collect and consider **parental input** when designing an initial comprehensive evaluation or reevaluation, as well as in the determination of eligibility for special education .
- Document that families were provided with information about the **district's SRBI process**, including general education services, intervention strategies, and the amount and nature of student performance data that is to be collected.
- Provide a regular education classroom **observation** in the student's area of difficulty.



Designing a Comprehensive Evaluation

- During the special education evaluation process, families must receive data-based documentation that reflects the formal assessment of the student's **progress** during instruction and how such data compare to grade level benchmarks (i.e., SRBI data).
 - Data obtained from previous documentation of early intervening services, OR
 - From the documentation of a student's response to appropriate instruction via the Reading, Writing, or Mathematics Worksheets.

Designing a Comprehensive Evaluation

- PPT may conclude, through an **analysis of all existing data**, the data that documents a student's progress through the use of appropriate, technically adequate assessments, that a student is making sufficient, adequate progress through SRBI, and that a comprehensive special education evaluation therefore is currently unnecessary.

OR

- Review of **ALL** existing data may qualify as comprehensive evaluation required for identification & writing IEP.

OR

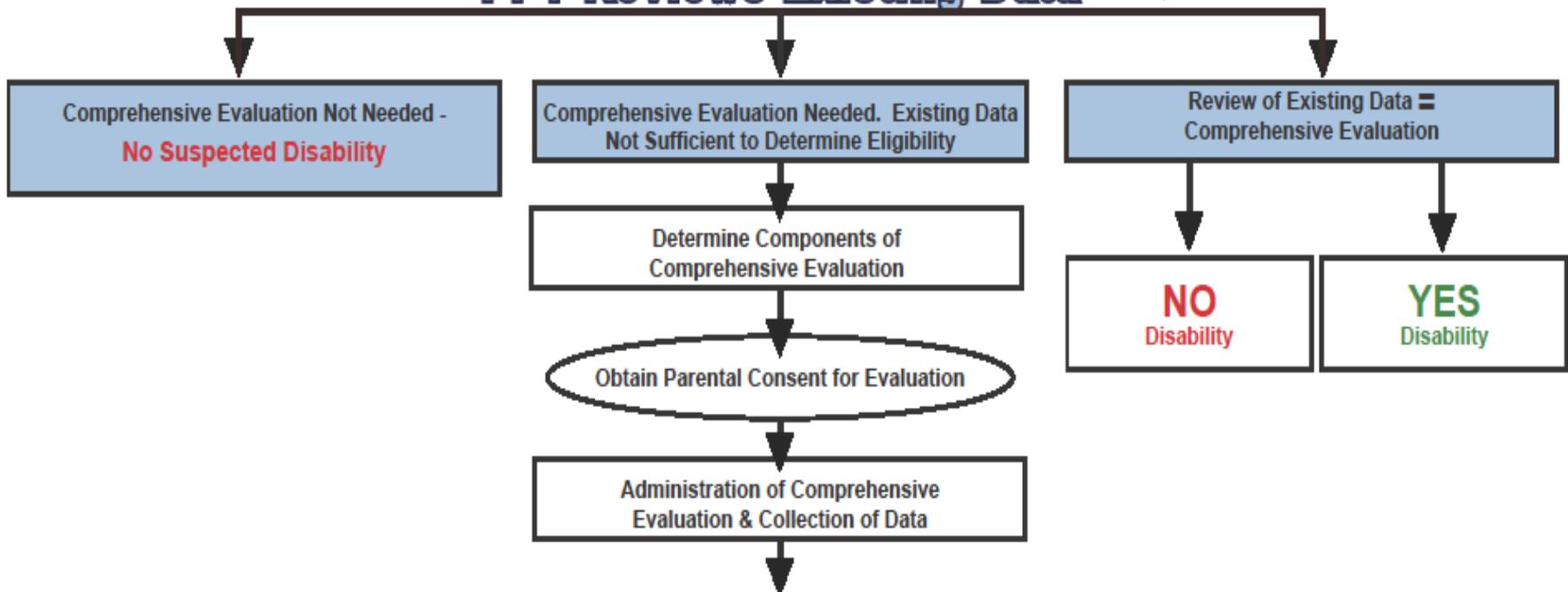


© 2012

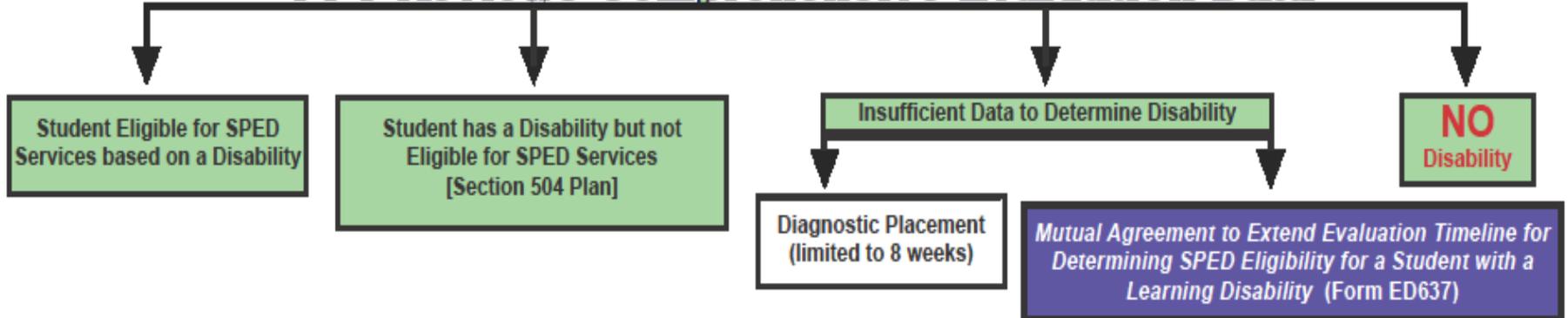
Identification Process

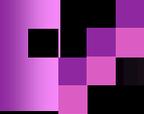


PPT Reviews Existing Data



PPT Reviews Comprehensive Evaluation Data





Designing a Comprehensive Evaluation

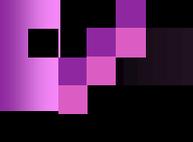
- PPT may conduct an individually designed comprehensive evaluation.

OR

- PPT may determine that a trial diagnostic placement is appropriate as an evaluation.

OR

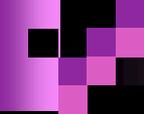
- District and parent agree to extend the evaluation timeline, documented according to the criteria on the *Mutual Agreement to Extend Evaluation Timeline for Determining Special Education Eligibility for a Student with a Specific Learning Disability* form, ED 637.



Designing a Comprehensive Evaluation

Comprehensive enough to:

- Distinguish between learning difficulty and disability
- Determine if criteria for SLD are met, **AND**
 - If the disability adversely affects the student's educational performance **AND**
 - As a result, the student requires special education (specially designed instruction) to address his/her unique educational needs **AND**
 - Be sufficiently comprehensive to identify **ALL** of a child's special education and related service needs.



What is a Specific Learning Disability?



Definition of a Specific Learning Disability

“Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations ”

IDEA 2004

Determining the Existence of a Specific Learning Disability

- A child may not be determined to be a child with SLD if underachievement is the result of:
 - A visual, hearing, or motor disability;
 - Mental retardation [ID];
 - Emotional disturbance;
 - Cultural factors; or
 - Environmental or economic disadvantage.



Connecticut Criteria for Determining the Existence of a Specific Learning Disability

CT Criteria for Determining the Existence of a Specific Learning Disability

- The child does not achieve commensurate with the child's age or meet state-approved grade-level standards in one or more of the following areas AND
- The child does not make sufficient progress toward meeting those standards when provided with learning experiences based on **scientifically, research-based interventions** appropriate for the child's age:



CT Criteria for Determining the Existence of a Specific Learning Disability

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading fluency skills *
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

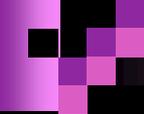
CT Criteria for Determining the Existence of a Specific Learning Disability

- To ensure that underachievement in a child suspected of having a SLD is not due to lack of **appropriate instruction** in reading or math, the following must be considered as part of the evaluation:
 - Prior to or as part of the referral process, the child was provided appropriate high-quality, research-based instruction in regular education settings;

CT Criteria for Determining the Existence of a Specific Learning Disability

- Such instruction was delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction [**progress monitoring**], was provided to the child's parents.

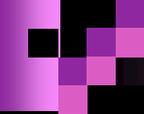
34 CFR § 300.309(b)



CT Criteria for Determining the Existence of a Specific Learning Disability

- A child must not be determined to be a child with a disability if the determinant factor for that determination is:
 - Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in NCLB;
 - Lack of appropriate instruction in math; or
 - Limited English proficiency

34 CFR § 300.306(b)(1)



Changes in CT SLD Identification Procedures

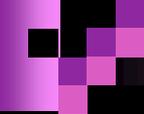
- Use of the **IQ – Achievement Discrepancy** not permitted after July 2009
- Determination of a **processing disorder** no longer required
- Emphasis on **scientific, research-based instruction and intervention**

IQ, Processing and a Comprehensive Evaluation

- The PPT may determine that there is a need for Individual IQ test and/or processing measures as part of a comprehensive evaluation.
- IDEA 2004 provides for the option to assess the relative contribution of cognitive factors in the determination of eligibility for special education services disability, such as:
 - Ruling out Intellectual Disability
 - Identifying Intellectual Giftedness/High Ability
 - Assessing specific ability areas (e.g., non-verbal)
 - Assessing cognitive processes for intervention purposes

Dual Discrepancy

- A widely accepted method for determining whether a student has a Learning Disability under RTI is the “dual discrepancy model”
(Fuchs, 2003)
- A method for analyzing the “GAP” between where the student is and where he/she should be
- Dual discrepancy is **NOT** the same as a discrepancy between ability and achievement



Dual Discrepancy/Gap Analysis

- **Discrepancy 1:** The student is found to be performing academically at a level significantly below that of his or her typical peers (discrepancy in initial skills or performance).
- **Discrepancy 2:** Despite the implementation of one or more well-designed, well-implemented interventions tailored specifically for the student, he or she fails to ‘close the gap’ with classmates (discrepancy in rate of learning relative to peers).

Figure 2.
Progress monitoring data from child responding to a reading intervention

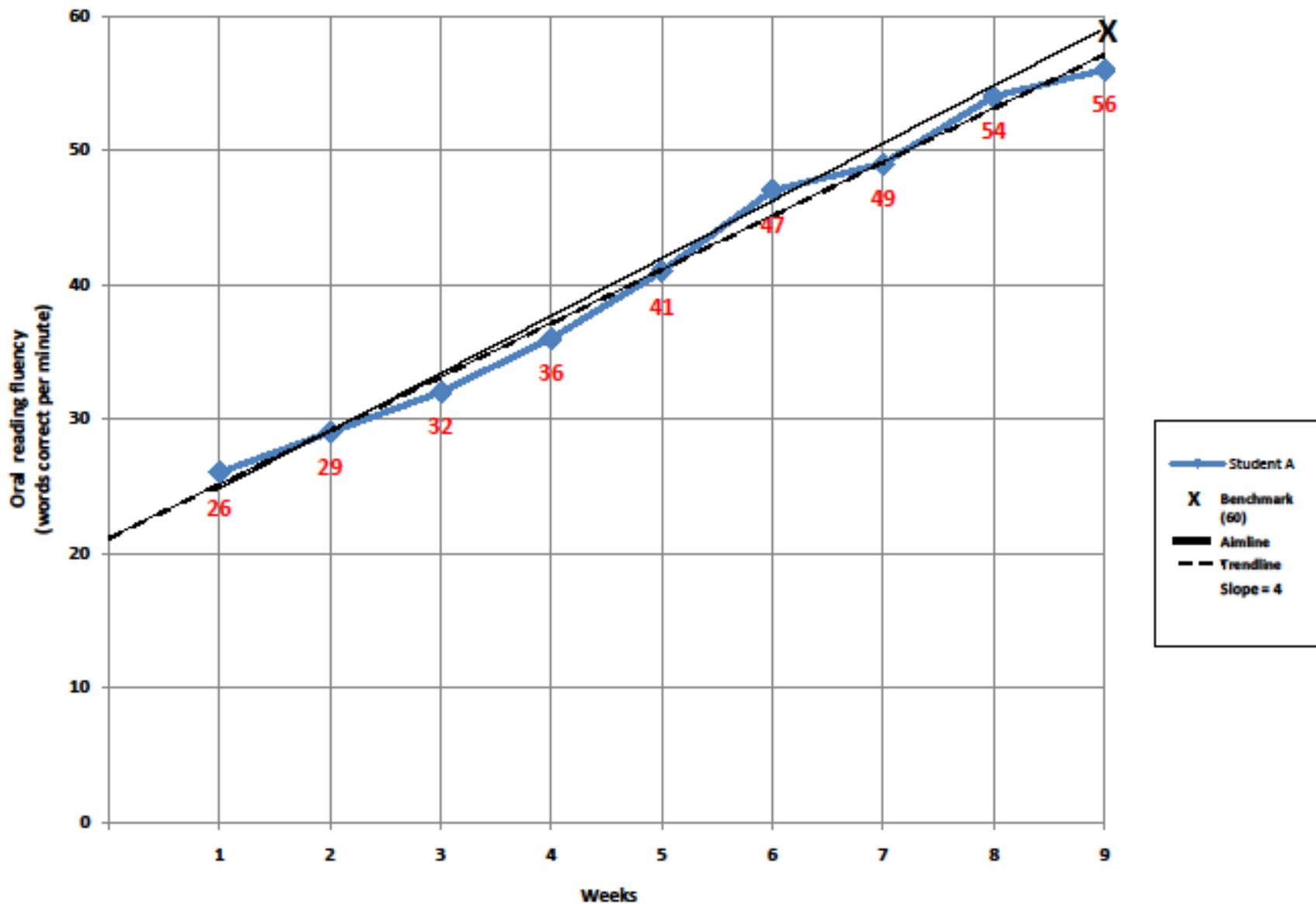
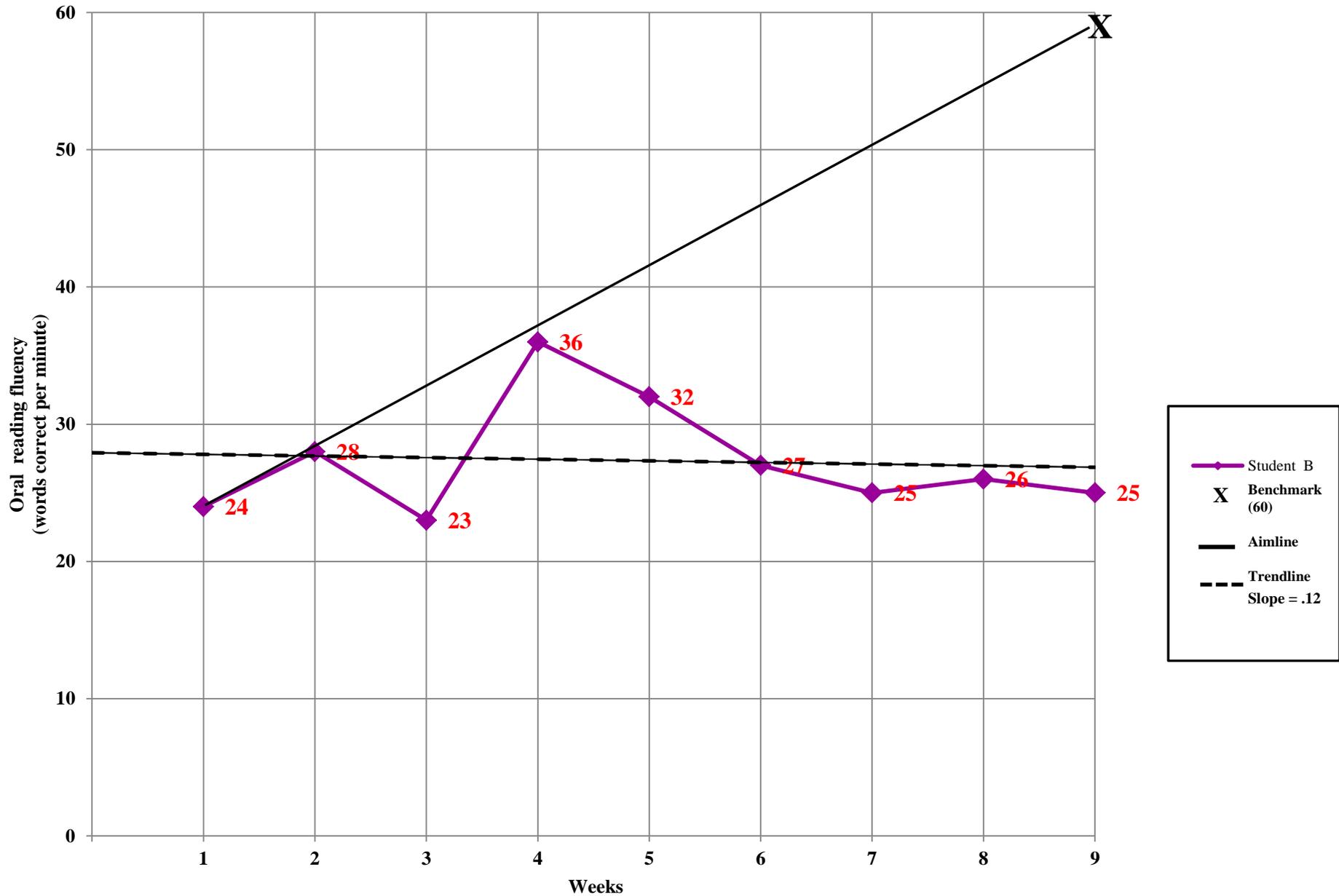


Figure 3.
Progress monitoring data from child NOT responding to a reading intervention



[District Name] Public Schools Multidisciplinary Evaluation Report for Students Suspected of Having a Specific Learning Disability

Student: _____ Date of Birth: _____ Grade: _____
 School: _____ Date of Report: _____

The following information must be reviewed by the Planning and Placement Team and documented in the appropriate spaces.

I. Required Evaluation Components

A. Parental Input:

B. Interventions and Instructional Strategies Used Prior to Referral:

[All student-centered intervention and progress monitoring data is attached, including information from math, reading, and/or writing worksheets, as appropriate. Data should include implementers and dates of progress monitoring.]

C. Educationally Relevant Medical Findings, if any: N/A

D. Regular Classroom Observation: Area of Difficulty -

Academic setting: _____ Date(s): _____
 Observer(s): _____
 Behavior observed and the relationship to academic functioning: _____

E. Assessment Information:

<u>Assessment</u> (e.g., curriculum-based, standardized, criterion-referenced)	<u>Evaluator (Name and Title)</u>
_____	_____
_____	_____
_____	_____

II. Criteria

	Criteria Met	
	YES	NO
Respond to each criteria used to determine eligibility for students suspected of having a specific learning disability.		
A. Is student achieving adequately for the student's age or meeting State-approved grade-level standards in one or more of the following areas when provided with learning experiences appropriate for the student's age or State-approved grade level standards? If NO, indicate in which area(s) student is NOT achieving adequately below: <i>[Note: At least one area must be identified.]</i> <input type="checkbox"/> mathematics calculation <input type="checkbox"/> mathematics problem solving <input type="checkbox"/> oral expression <input type="checkbox"/> written expression <input type="checkbox"/> listening comprehension <input type="checkbox"/> reading comprehension <input type="checkbox"/> fluency <input type="checkbox"/> basic reading skills		*
B. Is student making sufficient progress in the area identified above to meet age or State-approved grade-level standards, even with scientific research-based interventions?		*
C. The student has been provided with explicit and systematic instruction in the essential components of scientific, research-based reading instruction or math from a qualified teacher, including regular assessments of achievement to document the student's response to scientific research-based intervention as a part of the evaluation procedures.	*	

D. Learning difficulty is <i>primarily</i> due to:	YES	NO	Note: If all of the (✓)'s are in the NO column, then the student meets the criteria for II D (i.e., "learning difficulty is NOT the result of" these other factors).
1. Lack of instruction in math, reading or writing ^o (Based on Math, Reading or Writing Worksheets)			
2. A visual, hearing or motor disability			
3. Intellectual Disability			
4. Emotional Disturbance			
5. Cultural factors			
6. Environmental or economic disadvantage			
7. Limited English proficiency			
E. Has NO been (✓)'d for all items in D above (#1-7)?			
F. Does information gathered through the required evaluation components (including consideration of a dual discrepancy**) indicate that a specific learning disability exists in the area identified above (in A)? – If a specific learning disability exists in one of the eight areas above (in II A), attach a summary statement of all formal and informal assessment data used to document the existence of such a disability.			
G. Are special education and related services required to address the specific learning disability identified in F?			

*Criteria A-C: The student has been provided with scientific, research-based interventions in area of concern and repeated measures of progress were utilized to determine the student's response to the intervention(s).

^oCriteria D-1: Math, Reading and/or Writing Worksheets are attached (unless math, reading and/or writing are not an area of weakness)

**Dual Discrepancy: Dual discrepancy means that a student has BOTH low performance relative to age or grade level standards AND insufficient progress even when provided with scientific, research-based interventions.

Statements of Assurances:

- H. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction (i.e., progress monitoring) has been provided to parents.
Date(s) information provided: _____
- I. Student's parents were notified about state policies for performance, strategies for increasing the student's rate of learning and parent's right to request an evaluation.
Date(s) information provided: _____
- J. The IQ/discrepancy (ability/achievement) model was not used to determine eligibility.
- K. A disorder in one of the basic psychological processes in understanding or in using spoken or written language was not **required** as part of the eligibility decision.

The Planning and Placement Team has reviewed the information presented and has made the determination that the student has a specific learning disability and requires special education services: YES [All criteria (A-G) have been met.] NO

Each team member certifies by his/her signature that this report reflects her/his conclusion. (Bold means required.)

<u>Signature</u>	<u>Title</u>
_____	General education teacher _____
_____	Examiner/special education instruction _____
_____	Examiner/pupil personnel services _____
_____	Administrator _____
_____	Other _____
_____	Other _____

If this report does not reflect a team member's conclusion s/he must indicate below her/his reasons and conclusion.

Name: _____ Title: _____ Signature: _____

Reason(s) and conclusion: _____



Special Considerations: Private Schools

- For students who attend private schools, charter schools, or are home schooled, the public school district conducting the initial evaluation or reevaluation may need to:
 - Obtain information from parents and teachers about the curricula used and the child's progress with various teaching strategies, . . . information from current classroom-based assessments or classroom observations may also need to be used.
 - On the basis of the available information, the PPT may identify other information that is needed to determine whether the child's low achievement is due to a disability, and not primarily the result of lack of appropriate instruction.
 - The requirements for special education eligibility . . . are not affected, and do not differ, by the location or venue of a child's instruction.
- Therefore, it is important that the PPT has the information it needs to ensure that the student's underachievement is not the result of a lack of appropriate instruction.



Special Considerations: Independent Educational Evaluations (IEE)

- Parents have the right to an IEE at public expense if they disagree with an evaluation obtained by the school district; however, parents are entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parents disagree.
- The district has the option of either providing the IEE or initiating a due process hearing to show that its evaluation is appropriate.



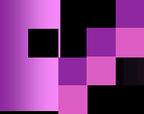
Special Considerations: Independent Educational Evaluations (IEE)

- The district must first complete its evaluation before a parent would have the right to obtain an IEE at public expense.
- The district is not required to provide an IEE at public expense or initiate a hearing to show that its evaluation is appropriate simply because the parents disagreed with district's decision to use data from a student's response to intervention as part of its evaluation to determine if the student has a specific learning disability.



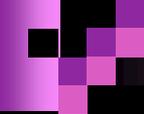
Special Considerations: Independent Educational Evaluations (IEE)

- Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the board of education uses when it initiates an evaluation.
- PPTs are not required to accept the recommendations of the IEE, but must, at a minimum, review and discuss the evaluation.



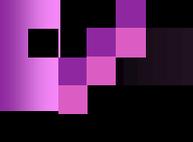
Special Considerations: Reevaluations

- The PPT conducts a reevaluation using procedures that are consistent with the statutory and regulatory requirements of reevaluation, including the most recent criteria that a student “has been provided with explicit and systematic instruction in the essential components of scientific, research-based reading instruction or math from a qualified teacher, including documentation of regular assessments of achievement.”
- PPT must review existing evaluation data (e.g., progress-monitoring data, curriculum-based assessments, common formative assessments, grades, progress on IEP goals and objectives, State assessments), which must also include information from the student’s parents as well as classroom observations to determine if any additional data are needed.



Special Considerations: Reevaluations

- A PPT must **evaluate** a student with a disability before determining that the student is no longer a child with a disability.
- As with an initial evaluation for a student with a possible learning disability, the PPT must complete the Multidisciplinary Evaluation Report form and any appropriate worksheets (reading, mathematics, written expression) to document that the child has received appropriate instruction and intervention in an area or areas of difficulty.



Special Considerations:

- **Pre-School Age Children** – The obligation to provide individually designed special education and related services to eligible students with disabilities begins at the age of 3. *2010 Guidelines for Identifying Children with LD – pg. 58+*
- **Students with High Ability (Intellectual Giftedness)** – Sometimes identified as “twice exceptional,” a diverse group with an advanced ability in one or more domains; however, they frequently also require adjustments in the environment that serves the needs of typical students their age as a result of their specific learning disability. *2010 Guidelines for Identifying Children with LD – pg. 60*



Special Considerations:

- **Grade Retention and Late School Entrance** – Students who have been retained or who started kindergarten later than other students will most likely be older than is typical and may obtain significantly different scores on standardized tests depending on whether age or grade norms are used. *2010 Guidelines for Identifying Children with LD – pg. 61*
- **Middle and High School Levels** – Even with highly competent elementary-level efforts at early identification and intervening services, a specific learning disability may surface in some students at later grade levels.

2010 Guidelines for Identifying Children with LD – pg. 64

Special Considerations:

- **Identification Issues at the Secondary Levels** – Two issues confront PPTs regarding the evaluation and identification of a student for a SLD at the secondary level: 1) adequate progress-monitoring assessments and 2) fewer research-based intervention methods. However, many older struggling students do have basic skill weaknesses for which numerous resources for intervention are available. *2010 Guidelines for Identifying Children with LD – pg. 64*
- **Transition to Postsecondary Education & Employment** – Disconnect between secondary and postsecondary institutions with regard to the nature, recency and comprehensiveness of documentation data necessary to determine a disability and the need for accommodations. Transition planning and the Summary of Performance (SOP) can bridge the gap. *2010 Guidelines for Identifying Children with LD – pg. 65*



What's next?

Building District Capacity to Implement Connecticut's 2010 Guidelines for Identifying Children with Learning Disabilities: An Online Course for Facilitators

- ❖ The self-paced course is **free for unlimited staff per district**.
- ❖ Participants will respond to prompts through a **SERC online message board** supported by CSDE consultants, and answer content-based questions.
- ❖ Upon completion, facilitators will receive **access to instructional materials** needed to implement team-based professional development regarding LD eligibility determination in their respective schools.

To register: <http://ctserc.org/ldguidelines>

For more information: LDGuidelines@ctserc.org