

## NASET LD Report #4

# Eligibility Determination for Specific Learning Disabilities

## A Step-by-Step Process

### Step I-Becoming Familiar with the Characteristics of Students with Specific Learning Disabilities

There is no one sign that shows a person has a learning disability. Experts look for a noticeable difference between how well a student does in school and how well he or she could do, given his or her intelligence or ability. There are also certain clues that may mean a student has a learning disability. Most relate to elementary school tasks, because learning disabilities tend to be identified in elementary school. A student probably won't show all of these signs, or even most of them. However, if a student shows a number of these problems, then parent/guardians and the teacher should consider the possibility that the student has a learning disability.

#### When a student has a learning disability, he or she:

- may have trouble learning the alphabet, rhyming words, or connecting letters to their sounds
- may make many mistakes when reading aloud, and repeat and pause often
- may not understand what he or she reads
- may have real trouble with spelling
- may have very messy handwriting or hold a pencil awkwardly
- may struggle to express ideas in writing
- may learn language late and have a limited vocabulary
- may have trouble remembering the sounds that letters make or hearing slight differences between words
- may have trouble understanding jokes, comic strips, and sarcasm
- may have trouble following directions
- may mispronounce words or use a wrong word that sounds similar
- may have trouble organizing what he or she wants to say or not be able to think of the word he or she needs for writing or conversation
- may not follow the social rules of conversation, such as taking turns and may stand too close to the listener
- may confuse math symbols and misread numbers
- may not be able to retell a story in order (what happened first, second, third)
- may not know where to begin a task or how to go on from there

If a student has unexpected problems learning to read, write, listen, speak, or do math, then teachers and parent/guardians may want to investigate more. The same is true if the student is struggling to do any one of these skills. The student may need to be evaluated to see if he or she has a learning disability.

## Step II-Determining the Procedures and Assessment Measures to be Used

**If a student is suspected of having a specific learning disability, the following evaluation should be considered:**

- An observation by a team member other than the student's general education teacher of the student's academic performance in a general classroom setting; or in the case of a student less than school age or out of school, an observation by a team member conducted in an age-appropriate environment
- A developmental history, if needed
- An assessment of intellectual ability
- Other assessments of the characteristics of learning disabilities if the student exhibits impairments in any one or more of the following areas:
  - cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory.
- These assessments shall be completed by specialists knowledgeable in the specific characteristics being assessed:
  - A review of cumulative records, previous individualized education programs or individualized family service plans and teacher collected work samples
  - If deemed necessary, a medical statement or health assessment statement indicating whether there are any physical factors that may be affecting the student's educational performance
- Assessments to determine the impact of the suspected disability:
  - On the student's educational performance when the student is at the age of eligibility for kindergarten through age 21
  - On the student's developmental progress when the student is age three through the age of eligibility for kindergarten
- Additional evaluations or assessments that are necessary to identify the student's educational needs.
- At least one observation is required as part of the evaluation for determining a Specific Learning Disability. Minimal observation requirements include:
  - At least one team member other than the student's general education teacher shall observe the student's academic performance in the general classroom setting. In the case of a student less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age.
  - The relevant behavior noted during the observation of the student; and, the relationship of that behavior to the student's academic functioning

**Documentation that the student's learning problems are not primarily due to:**

- lack of appropriate instruction in reading and math
- limited English proficiency
- visual, hearing, or motor impairment
- Mental Retardation
- Emotional Disturbance
- environmental, cultural, or economic disadvantage
- motivational factors
- situational traumas

## Step III-Determination of Eligibility for a Diagnosis of a Specific Learning Disability

In general, States use two different methods to determine whether a student meets the eligibility criteria as a student with a specific Learning Disability under IDEA. We present a synopsis of these two options for an IEP Committee to consider.

### OPTION 1

In order to identify and be determined as eligible for special education services as a student with a Specific Learning Disability, the IEP Committee shall document that the following standards have been met. Based on the results of the assessment:

1. The student demonstrates a continued lack of progress when provided with appropriate instruction in the suspected area of disability.
2. Documented evidence exists which indicates that effective general education interventions and strategies have been attempted over a reasonable period of time.
3. The determining factor for identification of a learning disability is not due to a lack of appropriate instruction in reading and math.
4. Evidence exists that the student does not achieve commensurate with his/her age and ability in one or more of the following areas: listening comprehension, oral expression, basic reading skills, reading comprehension, written expression, mathematics calculation, and/or mathematics reasoning.
5. There is a severe discrepancy between educational performance and predicted achievement that is based on the best measure of cognitive ability (*This is an OPTIONAL CONSIDERATION under IDEA 2004*). Cognitive ability/achievement discrepancies should be used cautiously because a learning disability can exist when a numerical discrepancy does not. Such comparisons may assist in the diagnostic process. Careful diagnosticians examine all information and recognize developmental factors, including age and academic experience, in making a determination as to the value of such discrepancies.
6. There is evidence of a cognitive processing disorder that adversely affects the student's academic achievement. A cognitive processing disorder is defined as a deficit in the manner in which a student receives, stores, transforms, retrieves, and expresses information. Documented evidence exists that demonstrates or expresses the manifestation of the processing disorder in the identified achievement deficit.
7. Evidence exists that the student's learning problems are not due primarily to visual, hearing, or motor impairments; Mental Retardation; Emotional Disturbance; environmental, cultural, or economic disadvantage; limited English proficiency; motivational factors; or situational traumas.
8. There is evidence that characteristics as defined above are present and that the severity of the student's Specific Learning Disability adversely affects his/her progress in the general education curriculum, demonstrating the need for special education and related services, and that students who perform in classroom academics in a manner commensurate with expected academic

standards at the student's grade level cannot be considered as having a Specific Learning Disability, even though they may show deficits on achievement tests in one or more of the seven academic areas.

## OPTION 2

The team shall determine that a pupil has a specific learning disability and is in need of special education and related services when the pupil meets the criteria described in items A through C. Information about each item must be sought from the parent/guardian and included as part of the assessment data. The assessment data must confirm that the disabling effects of the pupil's disability occur in a variety of settings.

**A.** The pupil must demonstrate severe underachievement in response to usual classroom instruction. The performance measures used to verify this finding must be both representative of the pupil's curriculum and useful for developing instructional goals and objectives. The following assessment procedures are required at a minimum to verify this finding:

(1) Evidence of low achievement from sources such as cumulative record reviews, classwork samples, anecdotal teacher records, formal and informal tests, curriculum based assessment results

(2) at least one team member other than the pupil's general education teacher shall observe the pupil's academic performance in the general classroom setting. In the case of a student served through an Early childhood Special Education program or who is out of school, a team member shall observe the student in an environment appropriate for a student of that age.

**B.** The pupil must demonstrate a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, or mathematical reasoning. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The team shall consider these standardized test results as only one component of the eligibility criteria.

(1) The instruments used to assess the pupil's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures.

(2) For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the pupil's chronological age level.

**C.** The team must agree that it has sufficient assessment data that verify the following conclusions:

(1) The pupil has an information processing condition that is manifested by such behaviors as: inadequate or lack of organizational skills (such as in following directions, written and oral; spatial arrangements; correct use of developmental order in relating events; transfer of information onto paper), memory (visual and auditory), expression (verbal and nonverbal), and motor control for written tasks such as pencil and paper assignments, drawing, and copying

(2) the disabling effects of the pupil's information processing condition occur in a variety of settings

(3) the pupil's underachievement is not primarily the result of: vision, hearing, or motor impairment; mental impairment; emotional or behavioral disorders; or environmental, cultural, economic influences; or a history of an inconsistent education program.

## Response to Intervention (RTI)

Before students can be eligible for special education services, researched-based interventions must be utilized based on Individuals with Disabilities Education Act (IDEA). According to the National Joint Committee on Learning Disabilities (2005), Response to Intervention, or RTI, is the practice of:

(1) providing high-quality instruction/intervention matched to student needs

(2) using learning rate over time and level of performance to make important educational decisions Although there is no single, widely-used "model" for Response to Intervention, it is generally defined as a three-tier model that uses research-based interventions designed to help a student become more successful, rather than focusing on his lack of success.

The whole idea of RTI is to prevent students from developing more serious academic and behavior problems. The earlier we catch potential problems, the better chance of students being successful.

A key element of an RTI approach is the provision of early intervention when students first experience academic difficulties, with the goal of improving the achievement of all students, including those who may have SLD. In addition to the preventive and remedial services this approach may provide to at-risk students, it shows promise for contributing data useful for identifying SLD. Thus, a student exhibiting (1) significantly low achievement and (2) insufficient RTI may be regarded as being at risk for LD and, in turn, as possibly in need of special education and related services. The assumption behind this paradigm, which has been referred to as a dual discrepancy (L. S. Fuchs, Fuchs, & Speece, 2002), is that when provided with quality instruction and remedial services, a student without disabilities will make satisfactory progress.

## Final Thoughts

Ongoing assessment throughout the school years is critical to develop the educational potential of all students, especially those with learning disabilities. School personnel, parent/guardians, and students should proceed with as much information as possible, giving consideration to individual skills and academic needs.

The recent explosion in brain research is beginning to impact teaching practice and address the differences in brain anatomy and chemistry in students with SLD. Some current findings include insights on causation, hemispheric functioning, writing dysfunctions, dyslexia, and laterality. Overall, there is now scientific support for some LD characteristics that were previously identified mainly through observation and testing. Other information found in these studies suggests that LD teachers need to change some teaching practices based on brain research. As

time goes on, there will be advances in identifying even more patterns of thinking in students with LD.

Given the enormous variability in the population of students with learning disabilities, the proliferation of tests on the market, and the problems cited above that are inherent in applying the definition, it has been extremely difficult to identify specific assessment instruments that consistently and appropriately identify these students. The problem of distinguishing students with LD from students without LD has become even more compounded by recent research that suggests that poor readers without disabilities and students who have been identified with mild learning disabilities may not differ significantly in the areas of information processing, genetic, or neurophysiological characteristics.