

THE FIE PROCESS: DATA REVIEW ELIGIBILITY, AND COLLABORATION

Brenda de la Garza
Education Specialist
School Improvement, Accountability and Compliance
Region One



Community Considerations

- No idea is a bad idea.
- Be creative.
- Take risks.
- No criticism allowed.

Agenda

- Review policies and procedures as per 34 C.F.R. Part 300; Texas Education Code; 19 T.A.C. Chapter 89
- Review of timelines
- Learning Disability eligibility
- Scores
- Collaboration activity
- Multidisciplinary Team- Collaboration



POLICIES AND PROCEDURES

Referrals or Evaluation Requests

- Types:
 - *Initial referrals (from district)*
 - *Parent request*
 - *ECI referrals (these are also initials)*
 - *Reevaluations*

Initial Referral (from district)

- Either the parent of the student, a state educational agency, an LEA, an educational service agency (ESA), or a nonprofit public charter school that is not otherwise included as and not a school of an LEA or ESA, and any other political subdivision of the state that is responsible for providing education to children with disabilities, may initiate a request for an initial evaluation to determine if the student is a child with a disability.

34 CFR § 300.301

Initial Referral (from district) cont'd

- If the student continues to experience difficulty in the general education classroom after the provision of intervention, the LEA must refer the student for an initial evaluation.

- *19 Texas Administrative Code § 89.1011. Referral for Full and Individual Initial Evaluation.*

(a) Referral of students for a full individual and initial evaluation for possible special education services must be a part of the district's overall, general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to scientific, research-based intervention; and other academic or behavior support services. If the student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. This referral for a full individual and initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.



Initial Referral- Suspecting SLD

- For a student suspected of having a specific learning disability, the LEA must refer for an initial evaluation including by providing prior written notice, and promptly request consent for initial evaluation if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided:
 - *Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; **and***
 - *Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent.*

34 CFR § 300.309 (c)1 (b)1 (b)2

Initial Referral- Parent Request

<p>If a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, not later than the 15th school day after the date of receipt, provide the parent with:</p>	<p>300.503(a) 89.1011(b)</p>
<p>•Prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written CONSENT FOR INITIAL EVALUATION; or</p>	<p>89.1011(b)(1) 300.504(a)(1)</p>
<p>•Prior written notice of its refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.</p>	<p>89.1011(b)(2) 300.504(a)(1)</p>

ECI Referrals

- The state will have in effect policies and procedures to ensure that children participating in ECI programs assisted under IDEA Part C, and who will participate in preschool programs assisted under IDEA Part B, experience a smooth and effective transition to those preschool programs. (34 CFR § 300.124)
- For the child who may be eligible for preschool services under Part B, DARS must:
 - Not fewer than 90 days before the third birthday of the child with a disability, notify the LEA for the area in which the child resides, that the child will shortly reach the age of eligibility for services under IDEA Part B unless the parent has opted out of the disclosure in writing;
 - In the case of the child who is determined to be eligible for Part C services more than 45 but less than 90 days before that child's third birthday, as soon as possible after determining the child's eligibility, notify the LEA for the area in which the toddler with a disability resides that the toddler will reach the age of eligibility for services under Part B, unless the parent has opted out of the disclosure in writing; or
 - In the case of the child who is referred for Part C services fewer than 45 days before that child's third birthday, with parental consent, refer the child to the LEA for the area in which the child resides; but, DARS is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.
- The DARS notification must be consistent with any policy that the state has adopted concerning confidentiality of personally identifiable information and early intervention records permitting a parent to object to disclosure of personally identifiable information.



ECI Referrals cont'd

- For the child who may be eligible for preschool services, DARS must with the approval of the child's family convene a transition conference among DARS, the family, and the LEA not fewer than 90 days and, at the discretion of all parties, not more than nine months before the child's third birthday to discuss any services the child may receive under Part B.
- The LEA must participate in transition conferences arranged by the designated DARS.
- Any transition conference or IFSP meeting to develop the transition plan, which conference and meeting may be combined into one meeting, must meet the Part C requirements concerning accessibility and convenience of meetings, parental consent for services, and initial and annual IFSP meetings.
- In the case of the child who was previously served under IDEA Part C, the LEA must send an invitation to the initial ARD committee meeting at the request of the parent to the IDEA Part C service coordinator or other representatives of the IDEA Part C system to assist with the smooth transition of services according to the [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP](#) and [PRIOR WRITTEN NOTICE](#) frameworks.
- By the third birthday of such child, the LEA must ensure that an individualized education program (IEP) or in some cases an IFSP, has been developed and implemented for the child
- **SEE HANDOUT 1**

Reevaluations

- **34 CFR § 300.303**
- The LEA must ensure that a reevaluation of each child with a disability is conducted:
 - *If the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation;*
 - *If a reevaluation is requested by the child's parents or teacher; or*
 - *Before determining that the child is no longer a child with a disability.*
- A reevaluation must occur:
 - *Not more frequently than once a year, unless the parent and the LEA agree otherwise; and*
 - *At least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary.*
- *An evaluation must be included as part of the [SUMMARY OF PERFORMANCE](#) for a child graduating under certain conditions. **TAC § 89.1070**
- *An evaluation is not required before the termination of the child's eligibility due to exceeding the age eligibility for a free appropriate public education under state law. **34 CFR § 300.305**
- *The scope of a reevaluation for the child with a visual impairment must be determined by a multidisciplinary team that includes a certified orientation and mobility specialist. **TAC § 89.1040**

- **SEE HANDOUT 2**

Timeline(s)



- Once the referral has been given and the parent has signed consent the timeline for assessment begins
 - *45 school days to complete the assessment*
 - School days do not include any day that a student is not in school, such as:
 - Weekends, Student Holidays, Staff Development Days, Spring Break, Winter Break, Summer Break
 - *30 calendar days from the day of the report in order to go to ARD to present the report*

Exceptions

- *If a student is absent more than three (3) days after the consent for evaluation is signed, the school district may extend the 45 school day timeline by the number of absences.*
- *If a parent provides the school with written consent for the evaluation **less than 45 schools days**, but at least **35 school days** before the last instructional day of the school year, the evaluation must be completed and the report provided to the parent **by June 30th** of that school year. Then, **not later than the 15th school day** of the following school year, the ARD meeting must be held.*
 - The school district must schedule and hold the ARD meeting “as expeditiously as possible” during the summer if the initial evaluation report says the student is in need of ESY services.

SEE HANDOUT 3



EVALUATION- WHAT DOES THE LAW SAY?

- EVALUATION PROCEDURES- Federal Requirements **34 CFR § 300.304**
- In conducting the evaluation, the LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:
 - *Whether the child is a child with a disability; and*
 - *The content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities.*
- In conducting the evaluation, the LEA must:
 - *Not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability or determining an appropriate educational program for the child; and*
 - *Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.*

Cont'd

The LEA must ensure that:

- *Assessments and other evaluation materials used to assess the child under this framework are:*
 - Selected and administered so as not to be discriminatory on a racial or cultural basis;
- *Provided and administered:*
 - In the child's native language or other mode of communication; and
 - In the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;
- *Used for the purposes for which the assessments or measures are valid and reliable;*
- *Administered by trained and knowledgeable personnel; and*
- *Administered in accordance with any instructions provided by the producer of such assessments;*

Cont'd

- Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- Assessments are selected and administered so as to best ensure that the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those are the skills the test purports to measure);
- The child is assessed in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- For the child with limited English proficiency, the assessment procedures differentiate between language proficiency and disability;
- The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified; and
- Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

INITIAL EVALUATIONS: WHAT TO DO



See Handout 4

Initial Evaluations

- The LEA must conduct an initial FULL AND INDIVIDUAL EVALUATION before the initial provision of special education and related services to the child with a disability.
- The initial evaluation must consist of procedures to determine:
 - *Whether the child is a child with a disability; and*
 - *The educational needs of the child.*
- The initial evaluation must be conducted and the evaluation report completed within 45 school days of receiving parental consent for the evaluation, unless:
 - *The parent of the child repeatedly fails or refuses to produce the child for the evaluation;*
 - *The child enrolls in a school of another LEA after the 45 school day timeframe has begun, and prior to a determination by the child's previous LEA as to whether the child is a child with a disability as applicable to the TRANSFER STUDENTS framework; or*
 - *Other circumstances adjust the evaluation timeline as provided in this framework.*

Initial Evaluations...cont'd

- If the child is enrolled in public school and the LEA receives parental consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the evaluation must be completed and the written report of the evaluation must be provided to the parent not later than June 30 of that year.
- If the child is enrolled in public school and has been absent from school during the evaluation period on three or more days, the evaluation period is extended by a number of school days equal to the number of school days that the child has been absent.
- If the child is under five years of age by September 1 of the school year and not enrolled in public school or is enrolled in a private or home school setting, the initial evaluation must be conducted and the evaluation report completed within 45 school days of the date on which the LEA receives parental consent for the evaluation.
- With regard to an initial evaluation, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.
- The commissioner by rule may determine days during which year-round schools are recessed that are not considered to be "school days."
- When the LEA is conducting an initial evaluation of the child suspected of having a specific learning disability, the LEA must adhere to these timeframes, unless extended by mutual written agreement of the parent and a group of qualified professionals.

SO YOU HAVE CONSENT...



As Assessment Personnel

- What we do matters

“...the profession of psychology [needs] to address issues of race, culture, and ethnicity. [We must] advocate for a multicultural psychology in order to address the challenging issues of diversity. Multicultural psychology requires revolutionary change and can best occur through the implementation of cultural competence of all aspects of the profession.” (Sue, et al., 1999)

The Purpose of the FIE

- The purpose of the full individual evaluation is to:
 - A. *determine eligibility and the presence or absence of a physical, mental, or emotional disability which may affect the student's successful participation in the general education curriculum;*
 - B. *determine the presence or absence of a significant educational deficit and the need for special education instructional and/or related services;*
 - C. *identify specific learning competencies in instructional and related service areas;*
 - D. *make recommendations for determining the grading criteria and procedures for participation in extracurricular activities;*
 - E. *and provide information relative to the appropriate mastery level or levels at which the student should be expected to achieve in order to receive passing grades in all content areas of instruction.*

Review Records

- *RTI information*
- *State assessment information*
- *Teacher and parent information*
- *Any other information that was gathered as part of the referral process*

- Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; **and**
- Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent.

34 CFR § 300.309 (c)1 (b)1 (b)2

SEE SAMPLE FORMS- HANDOUT 5

Assessment

- Determine which assessments are appropriate to be administered based on the referral concerns and the student's background
- Make an assessment plan
 - *Consider referral concerns*
 - *Assess in all areas of suspected disability*
 - *Not use any single measure or assessment as the sole criterion for determining whether the child is a child with a disability and for determining an appropriate educational program for the child; and*
 - *Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.*

CFR 300.304(b)(3)



Assessment...IDEA 2004

- (3) Each local educational agency shall ensure that—(A) assessments and other evaluation materials used to assess a child under this section—
- (i) are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;
 - (iii) are used for purposes for which the assessment or measures are valid and reliable;
 - (iv) are administered by trained and knowledgeable personnel; and
 - (v) are administered in accordance with any instructions provided by the producer of such assessments; . . .

Shoulder Partners



1. Have you ever had a student where you felt that *IF* the child did not receive special education services, that he or she would not receive any services at all?
2. Has the above rationale ever been mentioned in an eligibility team meeting?
3. Have you ever been on a team that determined a child should not receive special education services because of the presence of exclusionary factors?
4. Do you know of any student that was placed in special education so that he or she could receive services (implicitly or explicitly), even though you felt that he or she did not actually have a disability?

Problems with Assessment and Identification

- Misuse of norm-referenced assessments
- Professionals relying on numbers rather than clinical judgment
- Not recognizing that difference does not mean disability
- Bias

Indicators of Possible Learning Disability



- Difficulty in learning language at a normal rate compared to learners from similar backgrounds, even with special assistance in both languages.
- Short mean length of utterances (in both languages).
- Auditory processing problems (e.g. poor memory, poor comprehension).
- Poor sequencing skills. Communication is disorganized, incoherent and leaves listener confused.
- Communication difficulties when interacting with peers from a similar background.
- Lack of organization, structure and sequence in spoken and written language; difficulty conveying thoughts.

Assessment of Diverse Children: Classroom Behavior and Performance

Characteristics and behaviors often associated with various learning problems	Common manifestations of English Language Learners (ELLs) during classroom instruction that may mimic various disorders or cognitive deficits.
Slow to begin tasks	ELLs may have limited comprehension of the classroom language so that they are not always clear on how to properly begin tasks or what must be done in order to start them or complete them correctly.
Slow to finish tasks	ELLs, especially those with very limited English skills, often need to translate material from English into their native language in order to be able to work with it and then must translate it back to English in order to demonstrate it. This process extends the time for completion of time-limited tasks that may be expected in the classroom.
Forgetful	ELLs cannot always fully encode information as efficiently into memory as monolinguals because of their limited comprehension of the language and will often appear to be forgetful when in fact the issue relates more to their lack of proficiency with English.
Inattentive	ELLs may not fully understand what is being said to them in the classroom and consequently they don't know when to pay attention or what exactly they should be paying attention to.
Hyperactive	ELLs may appear to be hyperactive because they are unaware of situation-specific behavioral norms, classroom rules, and other rules of social behavior.
Impulsive	ELLs may lack the ability to fully comprehend instructions so that they display a tendency to act impulsively in their work rather than following classroom instructions systematically.
Distractible	ELLs may not fully comprehend the language being spoken in the classroom and therefore will move their attention to whatever they can comprehend appearing to be distractible in the process.
Disruptive	ELLs may exhibit disruptive behavior, particularly excessive talking—often with other ELLs, due to a need to try and figure out what is expected of them or to frustration about not knowing what to do or how to do it.
Disorganized	ELLs often display strategies and work habits that appear disorganized because they don't comprehend instructions on how to organize or arrange materials and may never have been taught efficient learning and problem solving strategies.

Due Process Hearings: Bilingual Special Education Issues

- Manolo v. Alief ISD
- Fernando P. v. Pasadena ISD
- Alejandro P. v. Edgewood ISD
- Joel v. Spring ISD
- Brenda v. Houston ISD
- Martin v. Deer Park ISD

http://tea.texas.gov/commissioner_decisions/

LEARNING DISABILITY

Learning Disability: IDEA

Definition

- According to Section 300.8(C)(10) of the Individuals with Disabilities Education Act (IDEA; 2004), specific learning disability (SLD) is:
 - *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 an imperfect ability to :*
 - Listen
 - Think
 - Speak
 - Read
 - Write
 - Spell
 - Mathematical calculations

Learning Disability: IDEA definition

- Including conditions such as
 - *Perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia*
- (ii) Disorders not included. Specific learning disability does not include learning problems that are the result of
 - *Visual*
 - *Hearing*
 - *Motor Disabilities*
 - *Intellectual Disability*
 - *Emotional disturbance*
 - *Environmental, cultural, or economic disadvantage.*

Learning Disability: IDEA criteria

- (1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:
 - (i) Oral expression.
 - (ii) Listening comprehension.
 - (iii) Written expression.
 - (iv) Basic reading skill.
 - (v) Reading fluency skills.
 - (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving.

Definition of Learning Disability

- A student with a learning disability is one who:
 - (i) *Has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability as stated in 34 CFR, §300.8(c)(10), in accordance with the provisions in 34 CFR, §300.307-300.311; and*
 - (ii) **Does not achieve adequately for the child's age or meet state-approved grade-level standards** *in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in-class tests; grade average over time (e.g. six weeks, semester); norm- or criterion-referenced tests; statewide assessments; or a process based on the child's response to scientific, research-based intervention; and*
 - (I) **Does not make sufficient progress** *when provided a process based on the child's response to scientific, research-based intervention (as defined in 20 USC, §7801(37)), as indicated by the child's performance relative to the performance of the child's peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction; or*
 - (II) **Exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability,** *as indicated by significant variance among specific areas of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.*

What is meant by the phrase “response to scientific, research-based intervention”?

- Response to Intervention (RtI) is high-quality instruction or tiered **intervention strategies matched to individual student needs** that have been demonstrated through scientific research and practice to result in high learning rates for most students.

Will the adoption of RtI as a general education practice lead to a decrease in special education referrals?

Response to Intervention (RtI) is intended to have a positive impact on the ability of LEAs to meet the needs of all struggling students. The strategies offered by RtI can be used by educators to **increase appropriate referrals and decrease inappropriate referrals to special education**. The information provided by the RtI process is a useful in determining school improvement activities, including activities prior to or in lieu of a special education referral

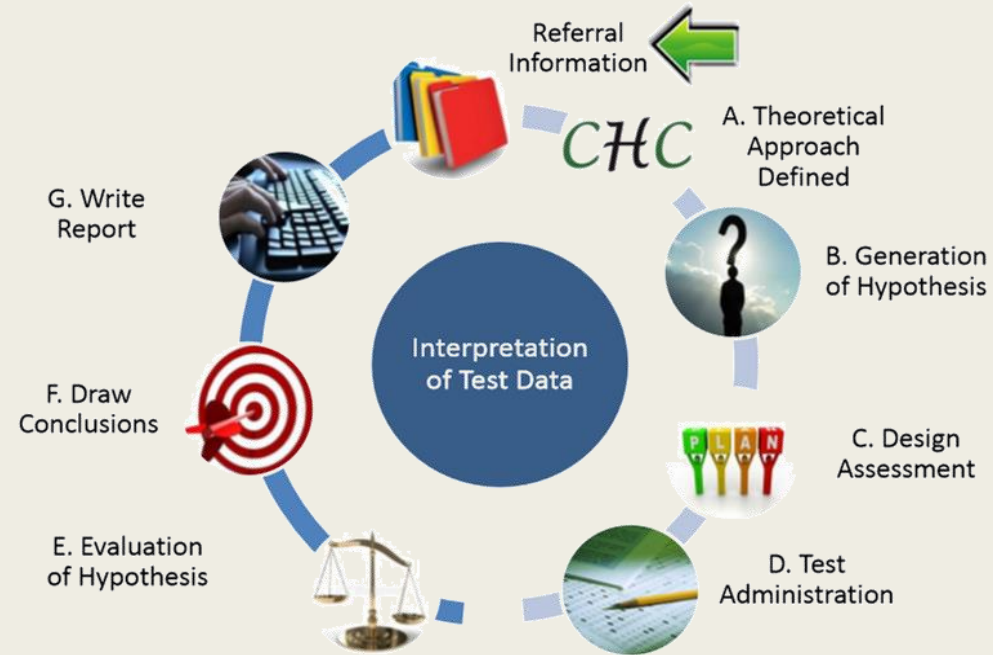
What information may be used in determining whether a student makes sufficient progress when provided a RtI process?

- Determining whether a student makes sufficient progress when provided RtI will depend on the particular scientific, research-based intervention(s) criteria. While schools are encouraged to follow a timeline specific to the RtI process, a school **should consider alternative actions when a child fails to respond to an increasing intensity of instruction and interventions.**
- **A RtI process does not replace the need for a comprehensive evaluation using a variety of data sources.** A school should inform parents when a student is not making progress in the general education setting. If the child is not making progress in the general education setting and demonstrates lack of sufficient progress to intervention(s) after an appropriate period of time

How may a school determine whether a student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability?

Schools may determine **a pattern of strengths and weaknesses** by evaluating **specific areas of cognitive function, academic achievement** or **both (XBA)** and **comparing** those results against each other or in contrast to **other measures of student performance. (RtI)**

Things to consider



- Age
- Developmental level
- Acculturative experiences and background
- English proficiency (not just dominance!)
- Referral concerns

The process of interpreting test data should be conducted within a broader conceptual framework of hypothesis generation in order to measure the functional assumptions about the expected performance outcome.

Bilingualism: Language Proficiency vs. Language Dominance

Bilingualism



Proficiency

Acquisition of linguistic knowledge, skills, and processes and use of that linguistic knowledge, skills, and processes across contexts.



Dominance

The degree of proficiency when comparing one language to another; when one language is stronger than the other.

Goldstein, 2012

- “Best Practice” dictates that the evaluation professional is fluent and literate in the two or more languages of the student being tested. The evaluation professional should also be knowledgeable of cultural and linguistic issues that can impact test results and have training on evaluation materials and practices appropriate for the culturally and linguistically diverse student. The evaluation materials should be in the language and form most likely to yield accurate information.

-Alvarado (2008)



Principals of Bilingual Sp Ed Eval

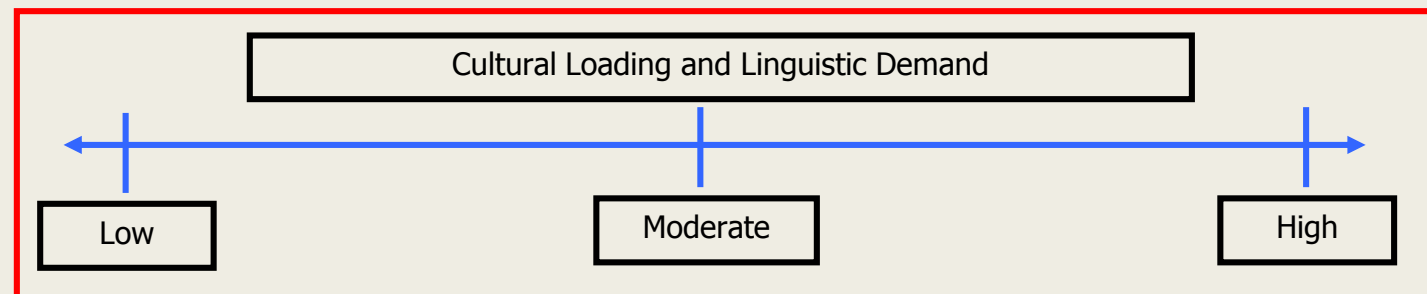
- Bilingual special education evaluation means testing in two languages. A student may require an assessment that is almost all in English with minimal Spanish testing or an assessment that is predominantly in Spanish with minimal English testing or anywhere in between. The student's language status, linguistic environment, and educational history will dictate the amount of testing in a given language.
- Bilingual special education evaluation is not only for students identified as LEP (ELL). There will be many referred students who are considered English fluent, who need and deserve a bilingual special education evaluation.

Alvarado (2008)



Assessment of Diverse Children: Dimensions of Standardized Tests Related to Bias

- *Tests are culturally loaded:*
 - the majority of tests used by psychologists were developed and normed in U.S. and inherently reflect native anthropological content as well as the culturally bound conceptualizations of the test developers themselves. Many tests require specific prior knowledge of and experience with mainstream U.S. culture
- *Tests require language (communication):*
 - linguistic factors affect administration, comprehension, responses, and performance on virtually all tests. Even nonverbal tests that reduce oral language requirements continue to rely on effective communication between examiner and examinee in order to measure optimal performance
- *Tests vary on both dimensions:*
 - Tests vary significantly with respect to the degree that they are culturally loaded as well as the degree of language required



ASSESS AND EVALUATE THE LEARNING ECOLOGY

Begin with the assumption that there exist an infinite number of reasons for why any given child is having learning difficulties and that a given disability only represents but one of those reasons. In other words, try first to eliminate all other potential reasons for learning difficulties, particularly those related to culture or the process of second language acquisition before entertaining the idea of testing for the presence of a suspected internal disability. Utilize ecological and ecosystems approaches to frame the child's school performance within the context of any cultural, linguistic, or other external factor that may be affecting the learning process. Sample starter hypotheses regarding why a child may be having academic difficulties include:

- *the school curriculum does not provide cultural relevance and meaning for the student*
- *the student is not receiving or has not received instruction in a linguistically appropriate manner*
- *the school environment does not affirm the student's native language or culture*
- *the student's attendance has not been consistent and regular*
- *the student has not had sufficient experience with the school system*
- *the home-school relationship does not support the student's learning*
- *the family environment is not supportive and conducive to the student's learning*
- *the student's basic survival needs (e.g., food, clothing, shelter) have not been adequately met*
- *the match between current or previous teacher's teaching style and the student's learning style is not or has not been satisfactory*
- *the current or previous school or classroom environments are not or have not been conducive to learning*
- *the student's cultural learning style is not and has not been accommodated to promote learning*
- *standardized group achievement scores are comparable to other children of the same age, grade, and cultural or linguistic experience*
- *student's grades are comparable to other children of the same age, grade, and cultural or linguistic experience*
- *current work samples and classroom performance are comparable to other children of the same age, grade, and cultural or linguistic experience*

Exclusionary Factors

- Vision
- Environmental/Economic Factors
- Hearing
- Cultural/Linguistic Factors
- Motor Functioning
- Physical/Health Factors
- Cognitive and Adaptive Functioning
- Instructional Factors
- Social-Emotional/Psychological Factors

Pattern of Strengths and Weaknesses (PSW)

1. **Both a normative and ipsative (individual) weakness**
 1. *Normative---below average compared to peers*
>81
 2. *Ipsative (relative)---significant within child weakness, compared to the child's overall processing abilities*
2. Significantly impairs at least one type of learning

Slow Learners Versus SLD

1. Slow learners have normative weaknesses but not ipsative weaknesses (low IQ is not a disability, work harder, tutorial)
2. **Underachievers** with no processing deficits are **capable** of responding quickly and well to intervention
3. **Processing deficits** are what make students with SLD “resistant” to academic interventions

Relationship to Academics

Gc Verbal ability	Strong and consistent across all academics and ages
Gf Fluid Reasoning	Significant across all academics, especially with higher level skills
Glr Long-Term Retrieval	Significant and moderate across all academics, especially in primary grades
Gsm Short-Term Memory	Significant across all academics, Working memory especially relevant to higher level skills

Relationship to Academics

Gv Visual Processing	No significant relationship as measured in IQ tests currently except with higher level math.
Ga Auditory Processing	Significant relationship across all academics during early grades
Gs Processing Speed	Significant to all academics especially in early to mid-grades

Using XBA to determine SLD

■ Operational SLD Definition- Dual Discrepancy/Consistency

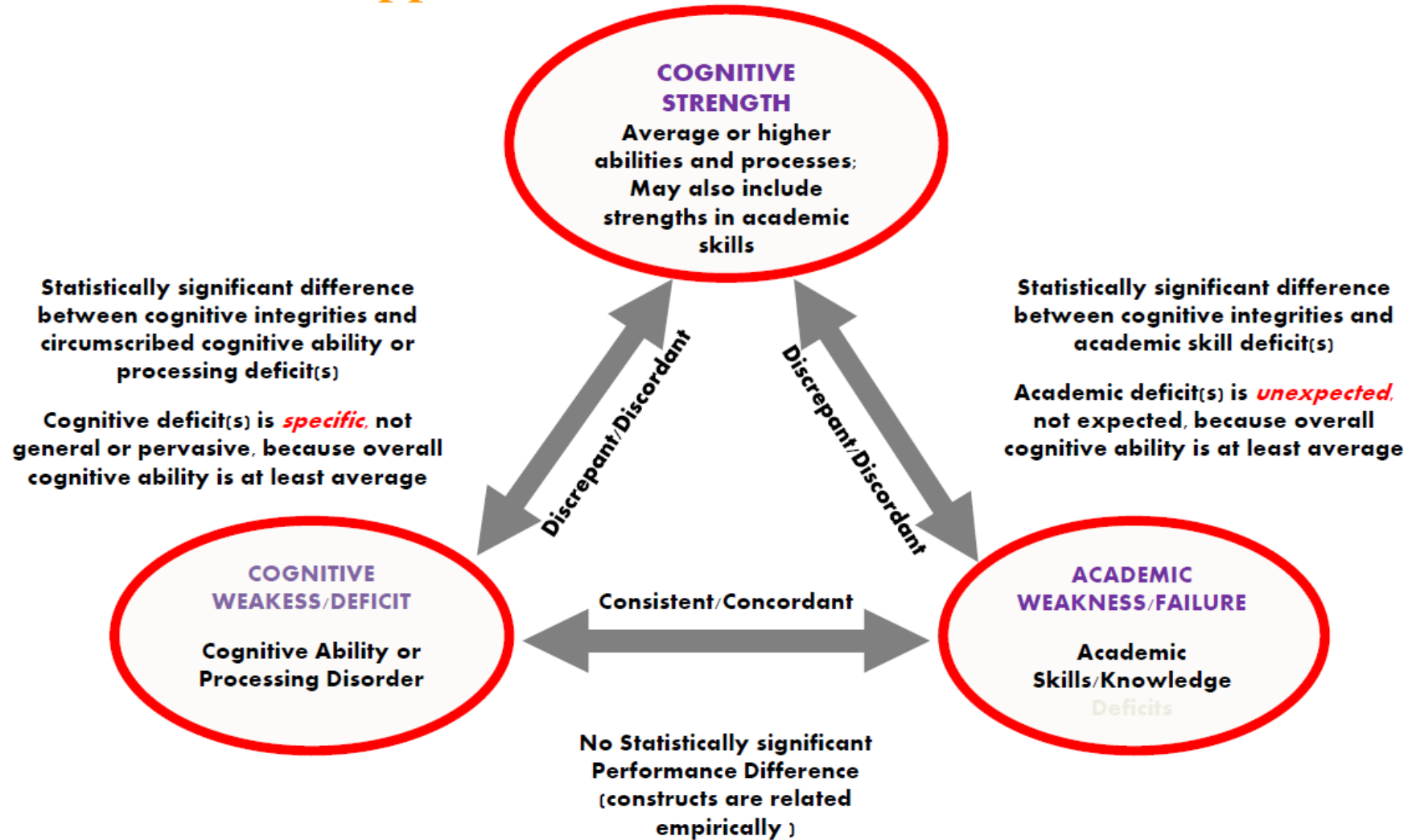
- *D-There is an unexpected discrepancy between overall cognitive ability and academic achievement in a specific area.*
- *D-There is a discrepancy between overall cognitive ability and a specific deficit in linguistic competence, cognitive processes, or neuropsychological processes.*
- *C-There is consistency between academic and cognitive deficits measured, demonstrated by a logical and empirical relationship that is confirmed with ecological validity.*

A Pattern of Strengths and Weaknesses Characterized by Dual Discrepancy/Consistency

- An examiner determines:
 - *Whether there is a relationship between cognitive and academic weaknesses*
 - *Whether the student displays generally average ability*
 - *Whether the learning difficulty is domain specific*
 - *Whether the individual's underachievement is unexpected.*

Use of the XBASS Software is critical in the determination.

Common Elements of “PSW Component” of Third Method Approaches to SLD Identification



Sotelo, Flanagan, and Alfonso (2011). Overview of SLD Identification. In D. P. Flanagan & V. C. Alfonso, *Essentials of Specific Learning Disability Identification*. Hoboken, NJ: Wiley.
Flanagan, Fiorello, and Ortiz (2010); Hale, Flanagan, and Naglieri (2008)

XBA Principles

Principle
1

- Selecting a comprehensive ability battery as the core of the assessment.

Principle
2

- Use Norm based composites from a single battery whenever possible to represent broad CHC abilities.

Principle
3

- When constructing Broad & Narrow CHC clusters, select tests that have been classified using an acceptable method.

Principle
4

- Use 2 different indicators of a broad ability to create a composite.

Principle
5

- When crossing batteries select tests normed and developed within a few years of one another to reduce the Flynn effect.

Principle
6

- Select tests from the smallest number of batteries to avoid the effects of different norm samples.

Principle
7

- Establish ecological validity for any and all test performance that suggest weakness or deficit.

How may a school determine whether a student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability?

In conducting an evaluation, schools are encouraged to include criterion-referenced or **curriculum-based measures (CBM)** to more accurately identify patterns of strengths and weaknesses and link eligibility determinations to instruction.

***CBM is essential/critical to RtI and**

***RtI is critical to increase appropriate referrals and decrease inappropriate referrals to special education**

How may a school determine whether a student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability?

In evaluating specific areas of cognitive functioning to determine a pattern of strengths and weaknesses, schools **should take into consideration the federal definition of SLD as “a disorder in one or more of the basic psychological processes involved in understanding or in using language”** (CFR [§300.8\(c\)\(10\)](#)). An identified pattern of strengths and weaknesses should be linked to the failure to achieve adequately as described above when used as a determination of SLD. Students whose classroom achievement indicates a pervasive weakness that **does not constitute a pattern of strengths and weaknesses should not be determined to have a SLD. Students who meet the criteria as having intellectual disability should not be determined to have a SLD.**

How may a school determine whether a student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability?

- The determination of SLD must be made through the use of professional judgment
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Professional Judgment

“The reasoned application of clear guidelines to the specific data and circumstances related to each unique individual. Professional judgment adheres to high standards based on research and informed practices that are established by professional organizations or agencies.” (Adapted from Katz, 1994)

Determine SLD or not

- It's important to understand that if:
 - *A student did not respond well to quality instruction/interventions*
 - *The inclusionary PSW criteria are met and*
 - *Exclusionary factors are ruled out as the PRIMARY cause of academic deficits*

Then student might have a specific learning disability

- Questions to consider- If all questions are answered in the affirmative then **SLD is highly probable.**
 - *Is a normative academic deficit present that reflects an inability to achieve according to grade-or-age level expectations despite adequate instruction and supplemental intervention?*
 - *Within the student's profile is there a pattern of strengths and weaknesses in processing? If present, does the pattern occur within an overall profile that is within normal limits?*
 - *Have extraneous factors been ruled out as primary causes for deficits (i.e. attendance, behavior problems, sociological, language, and motivation)?*
 - *Is there a relationship between the cognitive deficit(s) and the academic deficit?*
 - *Have these deficits caused a significant interference with academic performance?*

Think about...

Determine whether the identified condition of SLD actually impairs academic functioning to such an extent that special education services are necessary.

Written report.

- 34 CFR 300.543 (a) For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility, as required by § 300.543 (a)(2), must include a statement of—
 - (1) *Whether the child has a specific learning disability;*
 - (2) *The basis for making the determination;*
 - (3) *The relevant behavior noted during the observation of the child;*
 - (4) *The relationship of that behavior to the child's academic functioning;*
 - (5) *The educationally relevant medical findings, if any;*
 - (6) *Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and*
 - (7) *The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.*
- (b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

SCORES

"Group-statistic based interpretations provide the "best jumping off points for interpretations of tests."

But, individuals being tested can change the nature of interpretation (approach tasks differently, inflate specificity, reduce influence of ability being measured).

This is part of the whole "intelligent" testing philosophy and my belief that "we (you) are the instrument."

It is the job of a good clinician to know when the interpretation of a test may need to shift slightly away from the group-based most likely hypotheses. It is what we are trained to do..."

■ **Kevin S. McGrew, 2004**



Which Score To Use?

2nd grader (2.9) College Senior (16.9)

SS	75	75
PR	5	5
GE	1.1	6.3
RPI	10/90	68/90

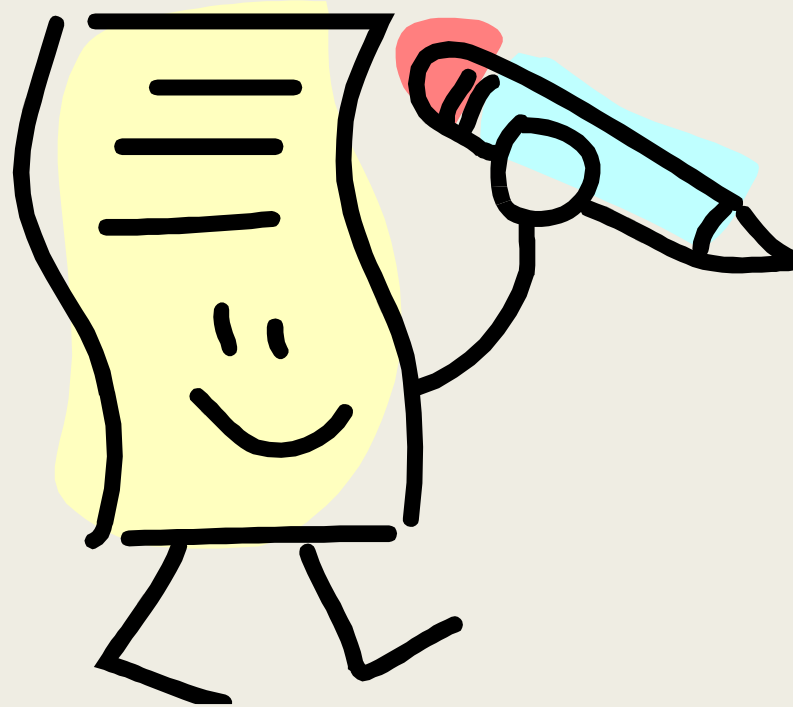
Results from Word Attack.

“Tests do not think for themselves, nor do they directly communicate with patients. Like a stethoscope, a blood pressure gauge, or an MRI scan, a psychological test is a dumb tool, and the worth of the tool cannot be separated from the sophistication of the clinician who draws inferences from it and then communicates with patients and professionals”

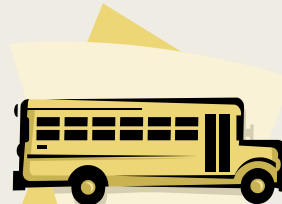
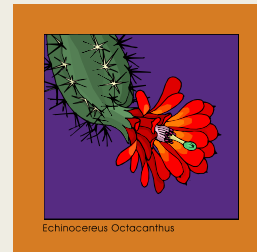
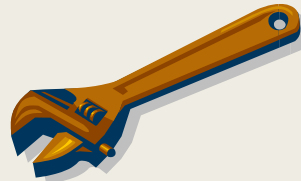
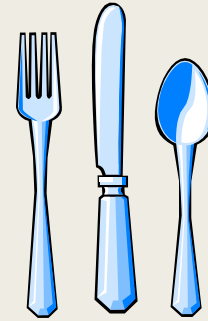
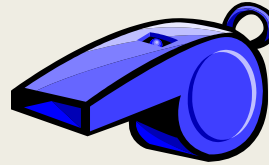
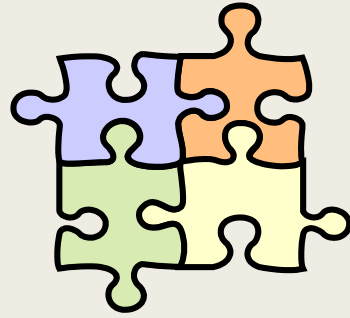
Meyer et al. (2001). Psychological testing and psychological assessment. American Psychologist, February

Try This!!!

- *Get out a pen or pencil and a piece of paper.*

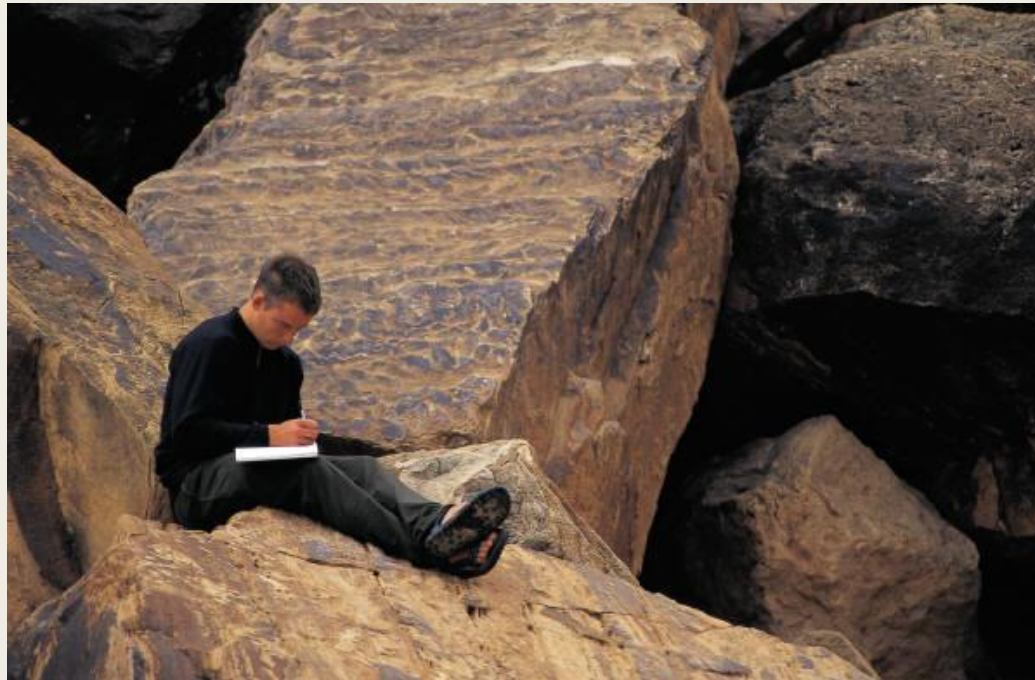


Look at these pictures!!!



Solo

- Write the name of as many objects as you can remember from the previous slide.



Collaborate

- Work with a shoulder partner to add to each other's list of objects.



Group

- Now compare your answers with your table group and add on to your list.



Would you agree?

The thoughts of one become richer and more complex when combined with the thoughts of others.



Differences between “I” & “We”

- Amount?
- Quality?
- New thinking combined?



MULTIDISCIPLINARY TEAM-COLLABORATION

What is a MDT?

- Multidisciplinary teams who meet to evaluate students for placement in special education have several jobs. They collect several types of data to inform the team about students' abilities, including:
 - *Medical history, educational performance, etc.*
 - *Formal assessments, such as intelligence tests or tests of visual or aural acuity*
 - *Informal assessments, such as samples of classroom work and observations of social behavior*
 - *A baseline of performance to guide development of an IEP and determine the effectiveness of subsequent education*

ADVANTAGES OF MDT

- Gather large amounts of data
- From a variety of perspectives
- From experts with unique training
- Who often focus on particular aspects of person
- Allows data to be shared
- Shortens time for evaluation

THE MDT PROCESS

- Decreases redundancy in gathering information
- Integrates different information obtained
- Synthesizes information for general conclusion

PROBLEMS WITH MDT PROCESS

- Lack of time to implement
- Difficulty with synthesizing
- Handling disagreement
- Implementing consensus

SOLVING THE PROBLEM

- Administrative support of membership
- Administrative support of time commitment
- Establishing procedure for leadership
- Developing format and procedure
- Developing standards for resolving conflicts and writing conclusions

MDTs need...

- Need time to plan
- Scheduling
- Meetings
- Interpersonal skills
- Intrapersonal skills

Impact of teaming

- Common planning time makes a difference
 - *Improves work climate*
 - *Increases parental contact*
 - *Increases job satisfaction*
 - *Associated with higher student achievement*

Flowers, Mertens, & Mulhall (1999)

Some examples of team members include:

- Educational Diagnostician (also called Psychometrist) or School Psychologist: These professionals are qualified to conduct all types of educational assessments including intelligence (IQ), achievement, behavior, etc.
- Special Educators: These individuals are qualified to conduct some types of achievement and behavior evaluations as well as informal observations.
- General Educators: These individuals provide documentation of the problems of the specific student.
- Parent(s) or Legal Guardian(s): The parents or legal guardians provide valuable insight into the student's behavior and personality in other environments.*
- Related Service Providers (Physical Therapist, Occupational Therapist, Audiologist, Orientation and Mobility Specialist, etc.): These specialists provide information pertaining to specific areas of concern that have been assessed.
- Medical Doctors (including psychiatrists, ophthalmologists, and optometrists): Depending on the disability of the student, medical records can also be used in the determination of eligibility for special education services.

Comprehensive Evaluation

- The evaluation must be comprehensive and use evaluation tools and strategies that are technically sound and accepted. Most students receive a battery of formal evaluations that measure:
 - *Intelligence*
 - *Achievement*
 - *Behavioral*
 - *Disability-specific issues*
 - *Medical*
 - *Informal observations and documentation of the student's past work should also be used during the eligibility determination meetings. Assessments may not be biased in regard to race, culture, language, or disability. The materials and procedures must be administered in the language and form most likely to provide accurate information on what the child knows and can do.*

Appropriate Tools and Procedures

Directed to use a variety of assessment tools and strategies

Cannot rely on a single procedure as sole criterion

Professional discretion

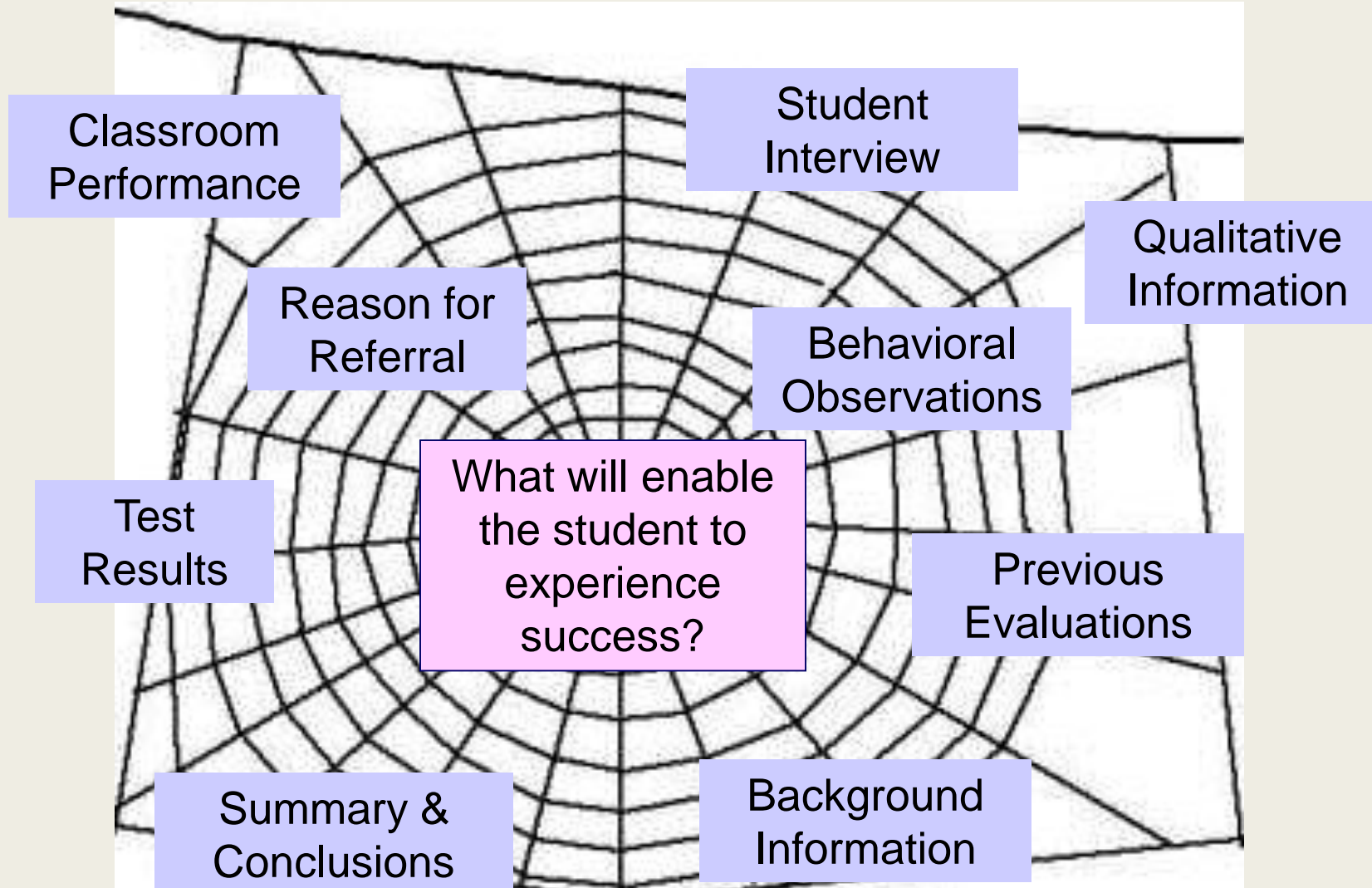
Appropriate technical qualities

Knowledge of what the test does and does not measure

Outline for Report Writing

1. Identifying Information
2. Reason for referral
3. Background information
4. Classroom observations
5. Previous evaluations and results
6. Tests administered & procedures used
7. Behavioral Observations
8. Test results
9. Summary and conclusions
10. Recommendations

Weave all information into a meaningful web.



References

- Essentials of Cross-Battery Assessment – 3rd Edition written by Dawn Flanagan, Samuel Ortiz, and Vincent Alfonso
- Iq's Corner (2014). CHC 101. <http://www.iapsych.com/chccodebook1.pdf>
- Presentation by Amy M. Strauch (Region 10)
- Sotelo, Flanagan, and Alfonso (2011). Overview of SLD Identification. In D. P. Flanagan & V. C. Alfonso, Essentials of Specific Learning Disability Identification. Hoboken, NJ: Wiley.
- The IRIS Center. (2005). *Guiding the school counselor: An overview of roles and responsibilities*. The Multidisciplinary Team. Retrieved from <http://iris.peabody.vanderbilt.edu/module/cou/>

Contact Information

Brenda de la Garza
Education Specialist
Special Education Program
School Improvement, Accountability and
Compliance
Region One ESC
bdelagarza@esc1.net
(956)984-6202
(956)266-0250

