

The Documentation Disconnect: Are LD Students in Public Schools Getting the Documentation they Need for Post-Secondary Education?

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Disability documentation is still important!

- Despite changes, LD documentation is still used by:
 - Schools for special education services
 - IEP and 504 Plan accommodations/modifications
 - Postsecondary institutions to identify “reasonable accommodations”
 - High stakes testing agencies to determine test accommodations

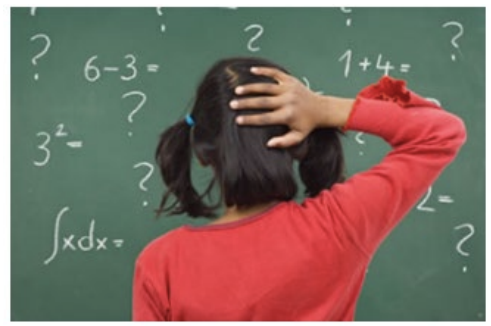
What are Learning Disabilities?

- “Learning disabilities may be defined in practical, medical and legal terms. The common theme in all three definitions is that a learning disability is a disorder in one or more basic psychological processes that may manifest itself as an imperfect ability in certain areas of learning, such as reading, written expression, or mathematics.”
- <https://ldaamerica.org/advocacy/lda-position-papers/what-are-learning-disabilities/>

What are Learning Disabilities (cont.)?

- Neurologically-based processing disorders
- May impact an individual's ability to process, store, or produce information
- Often manifested in impaired ability to read, write, spell, compute and/or reason
- Can have co-occurring challenges with organization, focus, listening, comprehension, social skills, motor skills or a combination of these
- LD is not ADHD or Autism, but can co-occur with these conditions

Types of Learning Disabilities



Dyscalculia



Dysgraphia



Dyslexia



**Oral / Written Language
Disorder and Specific
Reading Comprehension
Deficit**



**Non-Verbal Learning
Disabilities**



Learning Disability vs. Learning Difference

- From a legal perspective, an LD diagnosis is still needed to establish eligibility for accommodations and services in many situations
- This position is controversial, but until a learning difference is recognized as an official diagnosis, we need to continue to use the term learning disability

LD Evaluation and Identification

- Starts with a detailed development history
 - History on the child's own development of language and pre-reading skills.
 - Information about the acquisition of language and academic skills of the individual's family members.
 - Medical information from the parent or school in order to make differential diagnostic decisions. (hearing, vision or motor difficulties)
- Multiple sources of data
 - Standardized, norm referenced assessments of cognitive abilities and academic achievement.
 - Progress monitoring data pertaining to response to evidence-based interventions.
 - Teacher designed and curriculum-based assessments.
 - Parent, teacher and student input and observations.

LD Evaluation and Identification (cont'd.)

- Cognitive processes associated with academic skills should be assessed
 - Processing skills that must be assessed include:
 - working memory,
 - long term retrieval,
 - orthographic processing,
 - auditory processing skills,
 - processing speed,
 - fluid reasoning,
 - verbal abilities.
- Academic impact must be considered in context
 - Academic demands vary across educational settings and across the lifespan.
 - An individual's need for support and type of support will vary based on the demands of the learning environment they find themselves in.

- Underachievement is a symptom of the presence of a Learning Disability but is not synonymous with a Learning Disability.
- When cognitive processing deficits impair one's acquisition of skills and ability to navigate learning and/or performance demands within an educational or occupational environment, identification of a Learning Disability is warranted.

Three methods of LD identification

1. Ability / Achievement Discrepancy
 - a. Considers an individual's academic skills in relation to the individual's overall cognitive ability.
 - b. An LD is diagnosed when academic skills measure significantly below expectations given overall cognitive functioning.
2. PSW or Patterns of Strengths and Weaknesses
 - a. Cognitive processes most relevant to academic skills are assessed.
 - b. A learning disability is diagnosed when an individual demonstrates a pattern of cognitive processing strengths and weaknesses and academic deficits that are consistent with the pattern exhibited.
3. RTI or Response to Intervention
 - a. Considers the individual's response to evidence-based intervention targeted to demonstrated academic needs.
 - b. An LD is diagnosed when an individual fails to respond adequately to intervention.

Different Methods, Different Students?

Ability / Achievement Discrepancy

- Typically identifies students with average or better overall cognitive ability and below average academic skills
- Processing skills are typically not identified
- Students with low or below average cognitive ability are often not identified because their skills are viewed as commensurate with their overall abilities
- This method does not consider that overall cognitive scores are impacted by specific processing deficits
- ‘Significant’ or ‘severe’ discrepancy varies across states and sometimes across districts
- “Wait to fail” approach to identification

Different Methods, Different Students?

Pattern of Strengths and Weakness (PSW)

- Based on the assumption that LD is neurologically based
- Like ability / achievement discrepancy models, PSW models investigates underachievement that is unexpected given the individual's otherwise average or typical cognitive abilities
- Unlike ability / achievement discrepancy, PSW models recognize that there are numerous cognitive abilities and processing skills that can be assessed discreetly
- Recognizes that cognitive processing weaknesses will impact achievement and may also result in composite IQ scores that are an underestimate

Different Methods, Different Students?

RTI, Response to Intervention

- This method typically identifies students who are at the lower end of the academic skill distribution.
- Cognitive abilities are not a factor other than a rule out of intellectual disability.
- Processing skills are not assessed.
- There is little research to suggest what criteria should be used to determine that progress is or is not adequate.
- Many schools and districts lack the resources to provide the training and materials to implement RTI models with fidelity.

How do public school students get evaluated and identified?



Obligations of Public Schools

- The onus for identifying students with disabilities is on the Local Education Agency or LEA
- This is known as ‘Child Find’
- Public schools must have systems in place to ensure that students with disabilities are identified early and fully supported in their education
- This includes any and all suspected disabilities including learning disabilities
- Public schools are obligated to initiate evaluations and not wait until a parent makes a request



United States Government Accountability Office
Report to Congressional Requesters

April 2019

SPECIAL EDUCATION

Varied State Criteria May Contribute to Differences in Percentages of Children Served

GAO Report: Inadequate Federal Oversight, Inconsistent State Policies and Practices Are to Blame for Failure to Identify Children, Infants, and Toddlers with Disabilities (June 23, 2019)

- The report examines “Child Find” policies—state-level procedures put in place to ensure all children with disabilities are provided with any necessary special education, as required under the *Individuals with Disabilities Education Act* (IDEA).
- Despite research suggesting that the percentage of children identified with disabilities is roughly constant throughout the country and has remained steady for several years, the percentage of children aged 6 through 21 receiving special education services in individual states ranged from 6.4 percent in to 15.1 percent in 2016.

Senator Bobby Scott

Chair, Committee on Education and Labor

- *“The GAO’s report reveals how the combination of inconsistent state policies and inadequate federal oversight continues to allow thousands of young people with disabilities to fall through the cracks. Early and accurate identification and evidence-based interventions can make a huge difference in the lives of children, families, and communities across the country,”*

GAO Report Major Findings

- **Identification**
 - Appropriately identifying and evaluating children who may be eligible for special education services can be difficult... differences in school district or in school special education processes can add to this challenge.
- **English Learners**
 - English Learner students were at risk of being both over identified and under identified.
 - More training is needed.
- **RTI Challenges**
 - Representatives from advocacy organizations in all four states visited by the GAO cited concerns with school RTI practices that may delay student evaluations or contribute to incorrect eligibility determinations.
 - School district officials in all states visited acknowledge that the quality of RTI implementation varies within their districts.
- **Federal oversight** overemphasizes adherence to timelines rather than effective systems to identified students.

LDA Child Find Survey Supports GAO Findings

“My concern is that having went through this process a couple of times, children will fall through the cracks if a state is not held accountable to actively search for signs of a disability. Early intervention is key and these children will be at a preventable deficit if a state doesn’t want to make more work for themselves”. ~Parent, Virginia

“Repeatedly told child likely had ADHD, I should medicate. Since K, I expressed concerns about possible LD, particularly dyslexia. Each teacher insisted my child would grow out of it. Finally, had an evaluation started in 2nd grade when signs of LD became too evident. I also had a private evaluation at this time since I had become tired of waiting for school to do this”. ~Parent, Florida

“A Response to Intervention (RTI) process cannot be used to delay-deny an evaluation for eligibility under the IDEA”

- (1) RTI cannot delay an evaluation for eligibility
- (2) RTI can be THE method of evaluation for eligibility

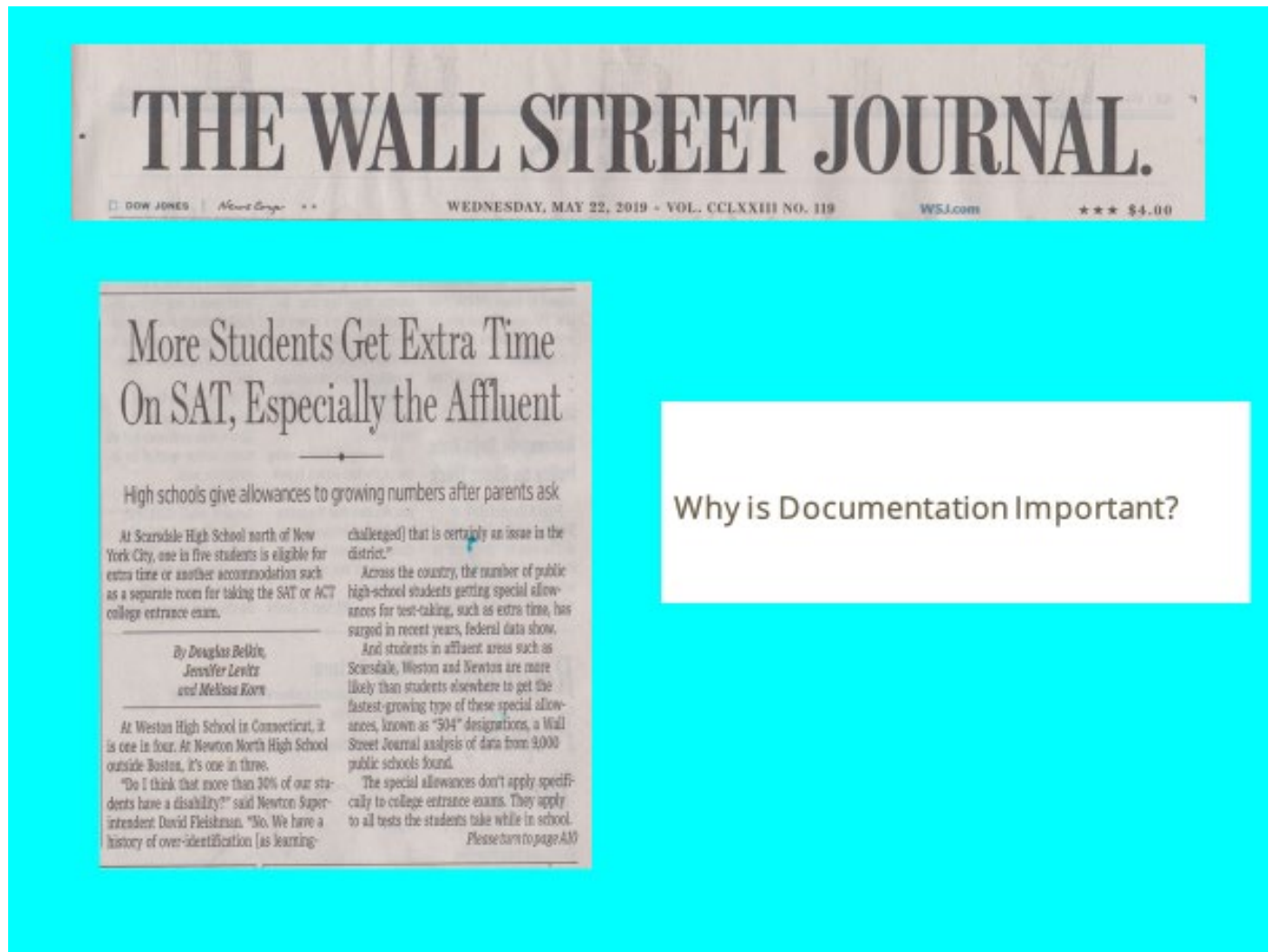
January 21, 2011 Memo to State Directors of Special Education from Melody Musgrove, Director of Special Education Programs

RTI and Other Barriers

- Many students who could be helped through early, intensive intervention, are not evaluated until they have already experienced academic failure.
- In many places RTI has become a wait to fail model for students with learning disabilities. RTI should not be used as a substitution for an evaluation of a learning disability.
- Countless individuals with learning disabilities do not meet eligibility criteria for services.
- Those educated outside of the public schools are without specialized support or protection under IDEA.

504 and Learning Disabilities: Documentation

- Students with Learning Disabilities in the K-12 public school system are entitled to protections under Section 504 of the Rehabilitation Act.
- As a result of these legal protections, students with Learning Disabilities are entitled under Section 504 to accommodations, services, supports, and technology to ensure they have equal access to the public school system.
- To be covered under Section 504 a student must be found to have a “disability” which is defined as “A physical or mental impairment that substantially limits one or more major life activities.”
- Section 504 also requires adherence to certain procedures including testing and evaluation. (34 CFR Section 104.33)
- However, unlike IDEA, the evaluation method is not prescribed.



Many More Students, Especially the Affluent, Get Extra Time to Take the SAT, WSJ 5/19

- The Wall Street Journal analysis shows that at public schools in wealthier areas, where no more than **10%** of students are eligible for free or reduced-cost school lunches, an average of **4.2%** of students have 504 designations giving them special test-taking allowances such as extra time.
- Only **1.6%** of students have these designations at public schools in poorer areas, defined as those where **75%** or more of students are eligible for free and reduced-cost lunches, the Wall Street Journal found.

LDA Core Principles on Evaluation and Identification

- Approved by the LDA Board in February 2019
- Represents LDA's position on what constitutes a truly comprehensive evaluation of an individual with a suspected Learning Disability.
- The first step in advocating for individuals with learning disabilities is to ensure early identification.
- While LDA may advocate for an evaluation process that is more thorough than what is often accomplished in public school settings, it is not inconsistent with anything in federal law or regulation.
- **In fact, LDA's emphasis on identification of processing deficits and functional limitations is very much in line with the definition of Specific Learning Disability found in the IDEA.**

Where are we now?

- Despite early evidence of LD, many individuals are only identified after many years of failure and accumulation of emotional damage and stigma.

Recommendations

- Educate teachers at the university level on the evaluation, identification and documentation of learning disabilities and related disorders.
- Utilize researched-based instructional methods in the classroom.
- Teach students to advocate for themselves early and often.
- Work with postsecondary institutions to ensure that students are not penalized for lack of documentation

Question and Answers

Please Complete Your Session Evaluation

- Your feedback helps shape future AHEAD programming.

Thank you for attending!

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