ABSTRACT

Title of Document: AN EXAMINATION OF THE ELIGIBILITY PROCESS OF THIRD, FOURTH, AND FIFTH GRADERS IDENTIFIED UNDER THE SPECIAL EDUCATION CATEGORY OF SPECIFIC LEARNING DISABILITIES

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The category of Specific Learning Disabilities (SLD) accounts for almost 50% of the students identified for special education services in America (U.S. Department of Education, Office of Special Education, 2010). The purpose of this study was to examine the extent to which the participating school system's (PSS) Special Education Procedural Guide was utilized by the Case Study Committee (CSC) to determine eligibility under category D-Learning Impaired-Specific Learning Disability (D-LI-SLD). The design of the study was descriptive utilizing structured record reviews. Eligibility Reports were extracted from the electronic special education database EXCENT ONLINE™ for 69 students identified as D-LI-SLD within the PSS. The students were receiving special education services during the school year 2009-2010 though they were not necessarily determined eligible during the 2009-2010 school year. The Eligibility Reports were examined according to the

criteria of academic achievement and processing deficit. According to the PSS, the academic achievement criterion in math, reading, or language arts had to be found near or below the 10th percentile. The identified processing deficit criterion was a disorder in (a) processing; (b) production of language; and/or (c) production of information. Both criteria were examined separately and in tandem to determine consistency. Evidence was also gathered for the inclusion of information from other sources (e.g., parents/guardians, the student, therapists) and the identified area of adverse impact. Results indicated variability and vagueness among the Eligibility Reports. Though slightly more than half of the Eligibility Reports (57.97%) contained information that identified D-LI-SLD within the appropriate criteria, the remaining Eligibility Reports only contained one criterion or neither criteria for the determination of eligibility. Recommendations were made to make the eligibility process more comprehensive and consistent.

AN EXAMINATION OF THE ELIGIBILITY PROCESS OF THIRD, FOURTH, AND FIFTH GRADERS IDENTIFIED UNDER THE SPECIAL EDUCATION CATEGORY OF SPECIFIC LEARNING DISABILITIES

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Dedication

I dedicate this work to my husband, David Donald Schwartz, and our children, Caitlin Marie and Erin Brady, who have arranged their lives around my progress on this endeavor. Each of you has given so much to assist me in completing this task. I cannot express how much your love and support has meant to me each and every day of this process. I hope someday I can demonstrate the depth of my gratitude that you are each in my life.

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Chapter I

Introduction

The number of students identified under the label of Specific Learning Disability (SLD) represents the largest group of students receiving special education and related services in the United States (U.S.). Current data from the National Center for Education Statistics, compiled by the U. S. Department of Education, Office of Special Education Programs (2009) shows students identified as SLD represent 39% of the total special education enrollment. Many researchers (Cortiella, 2006; Fletcher & Navarrete, 2003; Florian et al., 2006; Greene, 2007; Kavale & Forness, 1998; Kavale, Holdnack, & Mostert, 2006; Mellard, Deshler, & Barth, 2004; Scruggs & Matropieri, 2002) believe the large number is attributed to the misidentification of students as having SLD, which can occur for a variety of reasons. According to Greene (2007), the situation is seen to arise from several factors such as the discrepancy formula used, a blurring of the line between identification of Intellectual Disabilities and SLD, the identification of low achieving students, and the influence of the local education agency.

Overview of the Problem

The definition of SLD has been examined for over 40 years and there is no universal agreement. Samuel Kirk was credited with creating the definition to apply to students who were not academically successful for unexplained reasons and gave parents a label to explain the fact their children were not achieving educationally (Mercer, Fognone, & Wolking, 1976). The term SLD was intended to define a group of students who were underachieving in school despite their presumed average intelligence. The definition was to be the foundation for identifying a set of students who had unique

characteristics and who required specialized teaching techniques and interventions. The underlying construct of a learning disability is a discrepancy between a student's cognitive level and actual achievement. This discrepancy model formed the basis of the definition and procedures for determining eligibility until recently.

Historically, the National Advisory Committee on Handicapped Children (NACHC) headed by Samuel Kirk moved the definition of SLD forward in 1967. Programs for children with learning disabilities were included in the Education of the Handicapped Act under Part G, Title VI of the Elementary and Secondary Education Act as amended by Public Law (PL) 91-230 in April of 1970. This definition included a reference to minimal brain dysfunction that was prevalent for several years and was later included in the Education of All Handicapped Children's Act (PL 94-142). While the definition of SLD was included in the 1975 legislation, the regulations, which defined the criteria for how to determine whether a child had SLD, were not approved until 1977 and only after much controversy (Kavale, Spaulding, & Beam, 2009). Acceptance of the definition was 'endorsed' by the federal government in 1977 and has continued today (Kavale et al., 2006). The number of definitions is a testimony to the evolution of this field as new information is acquired and knowledge is gleaned from application in the classroom. Currently, the category of SLD is listed as one of the 13 federal categories of disabilities under which children are eligible to receive special education and related services. As defined under the IDEA, the definition of SLD reads as follows:

> The term '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 disorder may manifest itself in the imperfect ability

> to listen, think, speak, read, write, spell, or do mathematical calculations. Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (20 U.S.C. §1401 [30]).

The reauthorization of IDEA in 2004, published in 2006, clarified certain aspects of identifying a student with SLD, but still respected some state autonomy (U.S. Department of Education, Identification of Specific Learning Disabilities, 2006). The regulations added new criteria in relation to (a) the identification of SLD through the use of research-based interventions, (b) committee membership, and (c) appropriate instruction. The law maintained the areas of underachievement and the exclusionary clause. The regulations eliminated the idea of a severe discrepancy due to the belief it led to late identification and misidentification of students with SLD.

The use of scientific, research-based intervention is permitted to determine if the student responds to a series of increasingly intensive individualized instruction delivered by the general education teacher in collaboration with other experts and monitored in a systematic fashion. If the student does not show adequate progress after a period of time, a referral for special education may be warranted. The second specification was membership of the team or committee who determined eligibility for SLD. The team must include the parents/guardians, a general education teacher, and other personnel qualified to conduct diagnostic exams (i.e., school psychologist, speech-language pathologist). Any determination made by the team cannot be based on a single criterion

but must involve different assessment tools and strategies. The regulations also included that an observation of the student must be conducted in his/her natural learning environment such as the general education classroom. Specifically the regulations stated:

1. Determination of Underachievement: the student does not adequately achieve for his/her age or in the ability to meet state-approved grade-level standards for oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving.
2. Determination of Response to Intervention or Pattern of Strengths and Weaknesses: the student does not make adequate progress when provided scientific, research-based interventions that are generally monitored through curriculum based measurement (CBM); when given interventions prior to referral, the results show a pattern of strengths and weaknesses, demonstrate why the student did not respond to intervention, and an explanation for why the student needs comprehensive evaluation.
3. Determination of Appropriate Instruction: the school or district must demonstrate the student has had appropriate instruction by qualified personnel. Reading instruction must include phonics awareness; phonics; vocabulary development; reading fluency (oral reading); and reading comprehension strategies. Results must show data-based documentation of frequent assessments of student progress that is objective and systematic process at reasonable intervals (not teacher made tests or teacher reports of progress) and provide documentation to parents in a timely manner. If there is

not enough information available to satisfy the above points, the team must delay determination of disability and services until more information is gathered. Parents must agree to the amended timeline and sign a new permission to assess.

4. Determination of Influence of Other Factors: The lack of achievement cannot be ascribed to visual, hearing, or motor disability, mental retardation (intellectual disability), emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency as these disabilities are served in other categories.

The team's determination of a disability must be documented and completed in a two step process. The first step is to decide if the student has a disability and if so, the second step is to determine if the student needs special education services. Documentation of the decision must include evidence the parents were informed of policies, strategies, and services in a timely manner. Parents must also be provided with the evaluation report and documentation of the determination.

The regulations also declared every state must identify the criteria they will use for determining a student has SLD. The federal regulations were not specific about the criteria the state must adopt. The one exception was the state must not require a severe discrepancy between the student's intellectual ability and his/her achievement for eligibility, but must permit the use of scientific, research-based intervention and the use of alternative research-based procedures when making an eligibility determination for SLD and must align with criteria established in IDEA 2004.

The recent changes to the definition and eligibility criteria resulted from a number of issues, including the 'wait to fail' discrepancy formula (Cortiella, 2006), the lack of consistency in implementation of the criteria (Mercer, King-Sears, & Mercer, 1990), and the disconnect between assessments and instruction (Gallego, Duran, & Reyes, 2006), which has resulted in large numbers of students being identified as having SLD. Kavale et al. (2006) alleged the vagueness of the definition may have contributed to SLD becoming a "catch-all classification" which permitted large numbers of students to be identified. Kavale and Forness (2000) stated an imprecise definition has created amorphous boundary conditions that do not provide laymen in the field with the specifics necessary to make consistent decisions regarding eligibility for SLD. The ambiguity in the definition and the variation of state regulation were seen as two causes that created increased numbers of students identified with SLD. There was an increase of identified students from 8.3% in 1976 to 13.3% in 2000 (United States Department of Education, 2002). A study by Frankenberger and Fronzaglio (1991) found an increase of 863% between the 1976-1977 and 1988-1989 school years in the number of students identified in the state of Mississippi. They attributed the swell to social acceptance of SLD, confusion over the definition, variability in state criteria and procedures, as well as an increase in identified low achieving students. Though the number of identified students has leveled off since 2007 the largest identified group of students with special needs in the U.S. today continues under the category of SLD.

In 2009, there were 2,497,581 students ages three to 21 identified as having SLD in the U.S. (U.S. Department of Education, Office of Special Education, 2010). This represents 37.79% of the total population of 6,608,446 identified to receive special

education services in the schools across the country, including the District of Columbia. After a long period of growth, the proportion of students identified for services under the category of SLD has been decreasing in recent years. There was a decrease of 8.43% between the decade of 1999 and 2009. When reviewing data concerning eligibility for SLD over this time period, six states had a decrease in the percentage of students eligible that was less than 4.9 percent. A decrease between 5.0% and 9.9 % was seen for twenty states, whereas 13 states experienced a reduction between 10 and 15%. Seven states had a decline of more than 15% between 1999 and 2009. The largest drop was reported by Massachusetts with a decrease of 22.64%. Five states reported an increase of eligibilities under SLD for this same period. The largest growth was seen in Iowa where an increase of 14.15% was reported.

Special education in the participating school system (PSS). The Special Education Procedural Guide in the PSS was last revised in 2005 to align with federal regulations. The *Provision of Early Intervention and Special Education Services to Eligible PSS Dependents* (PSSI 1342.12) is the framework that outlines how services are provided. Information from PSSI 1342.12 is distributed to the schools through the Special Education Procedural Guide. Within the participating school system there are five categories (A-E) and the category of SLD is delineated under category D-Learning Impaired-Specific Learning Disability (D-LI-SLD) to separate it from category D-Learning Impaired-Intellectual Deficit (D-LI-IN). The definition of category D-LI-SLD is recognized in the PSS Special Education Procedural Guide and is very similar to the definition within the IDEA. The Special Education Procedural Guide's definition attributes the disorder to the same psychological processes as the definition in IDEA and

the same manifestations of the disorder. The PSS's definition also lists the same five conditions as the IDEA definition and identifies the same exclusionary conditions the IDEA definition includes. Specifically, the participating school system's definition of D-LI-SLD is:

> Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding of or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation or emotional disturbance or of environmental, cultural, or economic disadvantage (PSS Special Education Procedural Guide, 2005, p. 5-18).

The PSS process for identifying students with SLD involves the recommended process of prereferal, assessment, determination, and programming carried out by a Case Study Committee (CSC). The numbers of students who have been identified in the PSS has always been consistent to the numbers identified in the states. In May, 2006 the PSS had 9700 students who were identified with special needs under 17 different identifiers (Autism Spectrum Disorder, Deaf, Deaf-Blindness, Hearing Impairment, Other Health Impaired, Orthopedic Impairment, Traumatic Brain Injury, Visual Impairment, Pervasive Developmental Delay, Emotional Impairment, Language/Phonological Disorder, Articulation Disorder, Fluency Disorder, Voice Disorder, Specific Learning Disability, Intellectual Disability, and Developmental Delay). Determining eligibility for special

education follows the PSS's guidelines and should be applied in a uniform manner regardless where in the system the student lives.

Statement of the Problem

The PSS is open to the same difficulties in application of criteria for special education services as other school systems. The Special Education Procedural Guide stipulates if a student qualifies under category D-LI-SLD in one school, s/he is eligible for any and all services in a PSS school. It is generally accepted that one-third of the PSS student population will move each year and attend between six and nine schools during their educational career (Military Child Education Coalition, 2008). Thus, unless consistent and proper implementation of identification procedures are in place, children may not receive the appropriate services they are entitled to receive as a child with a disability. As states identify the criteria to determine eligibility for SLD by their own standards, the military parent of a student with special needs is faced with an additional challenge when moving to a new duty station in the continental United States. The same problem should not arise when a family moves within the school system. If uniformity in the application of the eligibility criteria is not a system-wide practice, there is a strong chance students could be misidentified as a student with a special need or determined not eligible for services under category D-LI-SLD, impacting their education and future success. This misidentification could result in loss of services to some students who should be identified or students being labeled when it is not appropriate.

It is important to determine if the CSCs are identifying students for eligibility under D-LI-SLD in accordance with the criteria from the participating school system's Special Education Procedural Guide. The current research will either identify a system

where the CSCs are identifying students in accordance with the Special Education Procedural Guide and completing the Eligibility Reports (refer to Appendix A) with all required information or if and where there is cause for concern.

Purpose of the Study

The purpose of this research was to examine the extent to which the PSS's Special Education Procedural Guide was utilized by the CSC at local sites to determine eligibility under category D-LI-SLD. The research investigated whether third, fourth, and fifth grade students who were eligible to receive services under category D-LI-SLD in the participating school system during school year 2009-2010 were identified in accordance with the Special Education Procedural Guide. Specifically, the study examined whether the Eligibility Reports contained information that determined eligibility according to the PSS's Special Education Procedural Guide established criteria including:

1. Academic Achievement: scores in math, reading, or language arts near or below the 10^{th} percentile or at or near the 35^{th} percentile for students whose mental ability was one and a half or more standard deviations above the mean (e.g., IQ = 124 or higher).
2. Processing Deficit: identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information (e.g., a -1.5 standard deviation on Woodcock-Johnson III Tests of Cognitive Abilities).

The research involved the use of the PSS's special education database (EXCENT ONLINE^{TM}) to establish if the information and procedures were utilized to determine a student's eligibility for special services under category D-LI-SLD. Every CSC is required to complete the same paperwork when determining eligibility or non-eligibility.

Information from the Eligibility Reports (refer to Appendix A) is placed into the special education database system EXCENT ONLINE™. The CSC is to input information that completes the six required sections of the Eligibility Report. Some information is input prior to the Eligibility Report (Sections I and II) while other information is completed at the eligibility meeting (Sections III, IV, V, & VI). The Eligibility Reports were reviewed by the researcher for the data to support the decisions to determine eligibility of a sample of students under D-LI-SLD from the participating school system.

Research Questions

In order to examine if third through fifth grade students in the PSS in school year 2009-2010 meet the criteria in accordance with the Special Education Procedural Guide to be eligible for services under category D-Learning Impairment-Specific Learning Disability (D-LI-SLD), five research questions were investigated:

1. Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system specify whether academic achievement scores in math, reading, and language arts were near or below the 10^{th} percentile or at or near the 35^{th} percentile for students whose mental ability was one and a half or more standard deviations above the mean?

2. Did the Eligibility Reports of students identified under D-LI-SLD contain evidence indicating a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; and/or (3) significant weakness identified in

language processing with comparative strength identified, in accordance with established criteria in the participating school system?

3. Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system contain academic achievement in math, reading, and language arts at the specified level (Research Question 1) and identify a processing deficit identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information (Research Question 2) in accordance with the established criteria as identified by the participating school system?

4. Did the CSC include information related to student performance or test results from parents, guardians, students, and/or other professionals in the Eligibility Report for identified students under the category D-LI-SLD?

5. Did the CSC include the educational area(s) affected by the student's disability in the present level of functioning, achievement, and performance section of the Eligibility Report for identified students under the category D-LI-SLD?

Significance of the Study

Results of this study have a potential impact on students and parents as well as the participating school system's policies and procedures. The research findings may impact students who are over-identified or misidentified for special education services as they may be receiving services that are not addressing their individual needs. Students who could qualify for category B-Emotionally Impaired (B-EI) or category D-Learning Impaired-Intellectually Deficit (D-LI-IN) have different needs than a student qualified under D-LI-SLD. Students identified as D-LI-SLD rather than B-EI or D-IN may not have their needs met at a level that will have positive long term impact. Results may

provide appropriate and equitable application of the label of D-LI-SLD for students in the school system. Better identification of students under category D-LI-SLD may affect instruction in the general education classroom and resource room as teachers would be educating students who have a disability rather than students who have multiple difficulties or are low achievers. The research may inform the special education leadership of the PSS as to the degree of consistency the school-level CSCs are applying the procedures for identifying students with SLD.

Future professional development may be conducted to address the uniformity of the application of the Special Education Procedural Guide and provide clearer instructions as to how to ensure that Eligibility Reports contain the information necessary to establish eligibility under the PSS's guidelines. Future professional development may be conducted to confirm that assessments are being conducted in accordance with the publisher's guidelines and to assist with result interpretation. Future professional development may also address the use of educational performance and other information to guide the CSCs' decisions and the documentation of those decisions. The results could produce appropriate and equitable application of the label of D-LI-SLD for all students.

Summary

Defining SLD has been an issue for as long as administrators, educators, and parents have used the term. The idea that a unique group of students would be identified through the category designation of SLD was a noble one. In recent research, Greene (2007) stated the SLD designation has become a nonspecific and undifferentiated category that permits a widely heterogeneous group of students to be under the category. He further noted the school-based designation of SLD appears to have one characteristic

in common: absolute low achievement. The lack of clarity in the definition has resulted in subjectivity in the criteria used for determining eligibility which can create inconsistencies in procedures and criteria used by practitioners to evaluate students for SLD. This study examined whether such inconsistencies existed in one large, diverse school system.

Definition of Terms

Academic Achievement (AA) - The level of competence in materials and subject matter explicitly taught in school, including areas of oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning, as determined by tests of academic achievement as part of a pscyhoeducational evaluation.

Accommodations – An adaptation to the environment or method of presentation or production to assist a student in meeting a standard or expectation. Accommodations grant the student equal access to education. The change does not affect the standard outcome.

Area(s) - Educational area(s) adversely affected by the student's disability. The designation of the area affected is supported by the data on the Eligibility Report. One or more educational/academic areas may be adversely affected by the disability. These broad areas consist of achievement, communication, cognitive, physical, social/emotional, and transition skills. They are the educational areas that serve as the foundation for instruction under IDEA.

Assessment - A variety of nondiscriminatory measures, validated for the specific purpose for they are used, necessary to provide a full, individualized, and appropriate evaluation for the purpose of determining eligibility under current guidelines for an area of disability.

Assessment Plan – A document that identifies which assessments to be given to a student to determine eligibility for special education services under an area of disability.

Assessor Team – Two person team assigned to each school complex in the PSS who conduct assessments of students age three to 21 who are undergoing a special education evaluation. One member of the team is a special education teacher and the other a speech and language pathologist, both holding at least a Master's degree in their field.

Case Study Committee (CSC) -The committee of school professionals and parents responsible for completing the special education procedural process in a thorough and timely manner. In addition, they are responsible for designing a special education program and determining placement, if appropriate. Membership will change depending upon the purpose of the meeting. It acts similar to the Local Education Agency (LEA).

Category D-Learning Impaired-Specific Learning Disability (D-LI-SLD) - Category of eligibility under the participating school system's guidelines indicating Specific Learning Disability.

Educational Needs - This Section is a listing of the specific needs within the area(s) adversely affected by the processing deficit and is completed during the eligibility meeting. Within the broad educational area, specific deficits/needs, ranging from relatively weak to severe, are documented by the assessment data. Educational needs and their impact on classroom performance are to be supported by the assessment data.

Educational Performance - Educational performance refers to how a student functions in the educational setting. Multidisciplinary assessment should be collected to substantiate an adverse impact on educational performance.

Eligibility Report - Written report created by the CSC that documents a student's eligibility or non-eligibility for special education and related services. The document is

to contain the disabling condition; listing of tests/assessments administered and completion date; synthesis of test data, summary of information from informants, an eligibility statement based on criteria in Chapter 5, PSS 2500.13 G; list of the education areas and needs (including related services; and present level of performance. Refer to Appendix A for a copy of the report.

EXCENT ONLINE™ - A comprehensive special needs case management software system designed to assist teachers, clinicians, and administrators with the paper processing and data management of students' records used in the participating school system.

Individual Educational Program (IEP) – The legal document developed annually for a student with a disability that determines the parameters of the student's education to include, goals and objectives, time in service, service providers, special factors, modifications, accommodations, graduation plan, and statement of least restrictive environment.

Individual with Disabilities Education Act (IDEA) -The major, federal disability education law update of the Education for All Handicapped Children Act (EAHCA) enacted in 1975. IDEA entitles children with disabilities, birth to 21, to a free, appropriate public education (FAPE) in the Least Restrictive Environment (LRE) in compliance with the individual education program (IEP) and procedural safeguards.

Interventions – Strategies utilized by school personnel to support a student's educational performance in the general education classroom by teaching a new reminder of a lost skill. Interventions assist students with overcoming specific deficits and are measureable. An intervention does not change the expectations for the student.

Local Education Agency (LEA) - Responsible for providing a free and appropriate public education or education service at the local level.

Modifications – An adaptation to the environment or method of presentation or production that permits a student the opportunity to be successful at the educational task. Modifications adjust the standard or expectation outcome.

Participating School System (PSS) – The school system which educates students of families in the military.

Present Level of Educational Performance (PLEP) -The present level of educational performance is a statement of the student's strengths and weaknesses including a description of how the student's disability affects his or her involvement and progress in the general education curriculum. The present level of educational performance should be written in terms that are descriptive and measurable. The present level of performance is drawn from the synthesis of data that may include observations, anecdotal logs, and authentic, curriculum-based or performance-based assessment. The statement on present levels of educational performance is completed during the eligibility meeting. (Special Education Procedural Guide, 2005)

Processing Deficit-Presence of a disorder in (a) processing; (b) production of language; and/or (c) production of information. This is identified as (1) a significant difference among scaled or standard scores for clusters in a comprehensive battery; (2) significant weaknesses identified across sub-tests or clusters of more than one assessment instrument; or (3) significant weakness identified in language processing on a comprehensive language battery with comparative strength identified in another processing area(s).

Specific Learning Disability (SLD) - Defined by IDEA as a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunctions, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the results of visual, hearing, or motor disabilities, of mental retardation or emotional disturbance, or of environmental, cultural, or economic disadvantage.

Special Education Procedural Guide (DSM 2500.13-M) - Revised is used to guide the implementation of 1342.12 within the participating school system.

State Education Agency (SEA) - Formal government label for state level agency within each state responsible for providing information, resources, and technical assistance on educational matters to schools and residents.

CHAPTER II

Review of the Literature

The purpose of the study was to examine the extent to which the participating school system's (PSS's) Special Education Procedural Guide criteria was utilized by the Case Study Committees (CSCs) at the local sites to determine eligibility under category D-Learning Impaired-Specific Learning Disability (D-LI-SLD). The students were in grades three through five and receiving services under D-LI-SLD for school year 2009-2010. The study reviewed whether the Eligibility Reports contained data according to the established criteria for (a) academic achievement in math, reading, or language arts (near or below the 10^{th} percentile, or at or near the 35^{th} percentile for students whose mental ability is one and a half or more standard deviations above the mean); (b) a processing deficit identified as a disorder in processing; production of language; and/or production of information according to the assessment manual directions; and (c) academic achievement in math, reading, or language arts at the specified criteria (Research Question 1) and an identified processing disorder (Research Question 2) in accordance with the established criteria as identified by the participating school system. The review of the research related to the history of problems with identification of Specific Learning Disability (SLD) focused on the discrepancy formula used, a blurred line between Intellectual Disability (ID) [formerly Mental Retardation (MR)] and SLD, the identification of low achieving students, and the influence of the local education agency.

There are longstanding issues with the definition of SLD which resulted in large numbers of students being identified as SLD. There is also great variability across states in the numbers of students who have been given this designation. In 2009, Kentucky

reported only 13.09% of their special education population was served under the category of SLD while Iowa reported 60.36% (IDEA Data Accountability Center, 2010).

History of the Definition

The term SLD was coined by Samuel Kirk in 1962 to define a group of children who had academic difficulties that were unexpected in light of their presumed average or above average intellectual ability (Mercer et al., 1976). The definition was to be the foundation for identifying a set of students who had unique characteristics, required intervention, and needed specialized teaching techniques to be successful in school and life. When Samuel Kirk gave parents a name to explain the fact their children were not academically successful, it appeared there would finally be an answer. Parents saw the label as a fit for their child's unexplained problems (Healey, 2005). Until the creation of the SLD designation, students with unexpected under achievement were excluded from the services a school could offer (Fletcher et al., 2001). White middle class parents were attributed to have the notion their child was different from poor or minority children and pushed for the establishment of the SLD category (Kavale & Forness, 1998). Parents and professionals saw SLD as a socially acceptable disability category according to Healey (2005). Parent and professional organizations focused on the promotion and education of SLD were formed during the emergent period of SLD growth from 1960-1975 (Elksin et al., 2001). The foundation of the Association for Children with Learning Disability in 1963 is an example of a parent group whose main focus was the encouragement of programs and services for students with SLD (Kavale & Forness, 1998).

Since the time the definition was proposed, the criteria and processes used to determine SLD have continued to evolve. Hammill (1990) located 11 different versions

of a definition for SLD that had been popular and accepted by parents and professionals. Clarizio and Phillips (1992) stated these definitions contributed to the differences seen in the prevalence statistics for SLD. The plethora of definitions was testimony to the ambiguity in the original definition and evolution of this field as new information and knowledge was acquired. Despite numerous revisions, the definition of SLD has been seen as "too broad to be wrong and too vague to be complete" (Kavale et al., 2006, p. 115). According to Kavele and Forness (2000), the current definition is found to be more of a statement concerning what SLD is not, rather than a statement of what SLD is.

The National Advisory Committee on Handicapped Children (NACHC) presented a definition in 1967 that was later included in the 1975 Education of All Handicapped Children's Act (PL 94-142). The passage of this law came with congressional fears that a disproportionate share of special education funds would be allocated for students identified with learning disabilities. In order to avoid growth in this one area, Congress placed a 2 percent cap on the number of students who could be counted under learning disabilities for Federal funding purposes (Healey, 2005). The federal definition was designed to address the identification of students with learning disabilities, yet it contained only traits of a student with SLD as well as an exclusionary clause. Kavale and Forness (2000) noted the definition lacked precision which lead to amorphous boundary conditions. The stated definition was immediately found lacking on several different fronts. Haight, Patriarca, and Burns (2002) expressed the definition was vague, ambiguous, and not specific enough. Though discussed and analyzed by many researchers (Ahearn, 2008; Fletcher, Denton, & Francis, 2005; Fuchs, Deshler, & Reschly, 2004; Gallego et al., 2006; Garda, 2006; Hale, Naglieri, Kaufman, & Kavale,

2004; Kavale et al., 2009; Weintraub, 2005), the definition continued to be used as one of the 13 categories of disability in the current IDEA (2004). When the definition was formulated and accepted by the federal government, it appeared SLD would be identified the same as if the student had a disability defined by a medical condition.

The problems with identification have centered on the lack of consensus about how to operationalize the definition as originally specified in PL 94-142. The federal government did not establish criteria to be used to identify students but implied the criteria through the disorders listed. Some speculate the federal government did not provide specific eligibility criteria in respect to states' autonomy (Reschly, 2004). This left State Education Agencies (SEA) with the task of deciding the specific criteria that would be used to define SLD in their state as well as the assessment tools. Potentially there could be 50 different eligibility criteria.

The IDEA Definition

With the reauthorization of the Individuals with Disability Education Act (IDEA) in 2004, the definition of SLD that was first articulated in the 1975 legislation remained.

> The term 'specific learning disability' is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include a learning problem that is primarily the result of visual, hearing, or motor

> disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (United States Code (20 U.S.C. §1401 [30]).

The participating school district has adopted a very similar definition of SLD which is presented below:

> Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding of or in using spoken or written language that may manifest itself as an imperfect ability to listen, think, speak, read, write, spell, remember, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation or emotional disturbance or of environmental, cultural, or economic disadvantage (PSS Special Education Procedural Guide, 2005).

This definition of SLD presented by the federal government and accepted by the majority of the states has not assisted with the delineation of a group of students with unique characteristics. The essential characteristic of SLD has been identified as unexpected underachievement (Fletcher, Francis, Morris, & Lyon, 2005; Fuchs et al., 2004; Mercer et al., 1990) but has resulted in students with a wide range of learning difficulties being identified (Fletcher et al., 2001). However, operationalizing the eight different areas of problems that are listed in the definition above has been difficult for practitioners (Fletcher et al., 2005). Further, a student could exhibit difficulty in one or more areas that can then be exacerbated by different processing difficulties to produce at a large number of problems. The other issue in the definition is the exclusionary clause

which requires the evaluation team to rule out cause of underachievement such as sensory impairments, culture, or certain other disabilities. Since many of these conditions co-exist, it is often difficult to determine the true cause of underachievement.

Prevalence of SLD among Students in United States

The total number of students identified to receive special education increased 60% after the law was first enacted, growing from 8.3% of students in 1976 to 13.4% in 2007-2008 school year (U.S. Department of Education, National Center for Education Statistics (2010); *Digest of Education Statistics, 2009* [NCES 2010-013]). The report further stated that over this same span of time, the category of SLD experienced incredible growth from 1.8% of the total enrollment (1976-1977) to a peak of 6.1% (2000-2001) before settling back to 5.2% of total public school enrollment in 2007-2008. Though the category of SLD was originally capped at 2% in PL 94-142, the limit was later lifted which permitted the growth seen across the United Sates (Healey, 2005). Greene (2007) stated that almost the entire increase in special education enrollment from 1976 until 2001 can be attributed to a rise in one category: SLD. In school year 1976-1977, SLD was identified for 1.8% of the student population. This rose to 6.0% in 2000-2001 (U.S. Department of Education, Office of Special Education, 2002). The proportion of students identified for SLD services has decreased over the past decade from 51% of all students with IEPs in 1998 to 39.9% in 2007 (U.S. Department of Education, Office of Special Education, 2009). In 2007, there were over two and a half million public school students identified as having SLD in United States' schools (U.S. Department of Education, National Center for Education Statistics, 2009). This decrease is hypothesized

to be a result of several factors including the use of Response to Intervention (RtI) for identification of SLD (VanDerHeyden, Witt, & Gilbertson, 2007).

Eligibility Procedures for Identifying D-LI-SLD in the Participating School System

The purpose of the PSS is to serve the children of active duty military members and PSS civilian employees around the world. The 13 disability categories listed in IDEA are grouped into 5 categories within the participating school system. Category A includes students who have been identified with a physical impairment (autism spectrum, deaf, deaf-blindness, hearing, visual, orthopedic, other health impaired, pervasive developmental delay, or traumatic brain injury); Category B includes emotionally-based disabilities; Category C includes language disabilities (articulation, fluency, language/phonology, or voice); Category D include processing or intellectual disability; and Category E includes students under the age of 7-11 who exhibit developmental delays (i.e., adaptive/self-help, cognitive, communication, motor, and/or social/emotional, physical).

A Case Study Committee (CSC) is required to identify only one category which is adversely impacting the student's educational progress. A CSC composed of an administrator, school counselor, assessor-special education, assessor-speech and language pathologist, special education teacher, general education teacher, and parents would be convened in response to academic difficulties in the general education classroom. There may be additional support personnel related to interventions attempted such as the school psychologist, school nurse, language and reading specialist (LARS), compensatory education teacher, or a related service provider from EDIS in attendance.

The participating school system criteria for the determination of eligibility under category D-LI-SLD has been established, disseminated in the PSS Special Education Procedural Guide, and distributed to all schools. The determination of D-LI-SLD rests with the CSC at the local level. The CSC is convened in response to academic behaviors seen in the general education setting that do not resolve with the usual classroom interventions, even though the student appears to be functioning within the average range of intellectual ability. According to the participating school system's Special Education Procedural Guide, the CSC would address behaviors such as:

> **…**uneven skill abilities and often have difficulty following directions, problems with spatial relationships, difficulty with visual recall, assigning priority, sequencing information and producing written language, poor auditory or visual discrimination skills, and/or poor auditory or visual memory that impact on the child's ability to function in the classroom (2005, p. 5-18 & 5-19).

The CSC meets to discuss all relevant student information, to ensure interventions have been exhausted, to review academic difficulties, and to develop an assessment plan if warranted. Following the completion of all assessments, the CSC is to review all results to determine if the child is eligible for special education services to support educational development. The CSC is expected to implement the procedures put forth in the guide to identify a student as being a child with D-LI-SLD.

According to the Special Education Procedural Guide, the CSC must determine whether a child is: (a) performing academically in math, reading, or language arts near or below the 10^{th} percentile, or at or near the 35^{th} percentile for students whose mental ability is one and a half or more standard deviations above the mean; (b) determine the

student's adverse academic achievement in math, reading, and language arts is due to a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; and/or (3) significant weakness identified in language processing with comparative strength identified; (c) determine the identified learning problem is not due primarily to a visual, hearing, or motor disability; and (d) determine the learning problem is not due primarily to emotional disturbance, environmental deprivation, cultural differences, or English as a Second Language.

Summary

There are questions as to why the SLD category increased dramatically up until 2001. Kavale and Forness (2000) found no reason of LD emerging beyond that of a generalized and indistinct learning problem. Hallahan (2005) states the growth is simply the consequence of controversies over the definition. Reschley, Hosp, and Schmied (2003) said the identification process is plagued by ambiguous terms, the use of discrepancy in the definition, and how it is measured. Others have theorized the problem lies within the application of the exclusionary clause which has the blurred line between low achieving students and SLD as well as the influence of local district and school decision making processes (MacMillan, 1997; MacMillan & Siperstein, 2002; Mellard et al., 2004). Several studies (Kavale, 2005; Kavale & Forness, 1998; Kavale & Reese, 1992) have found that up to 50% of an SLD population may not meet the eligibility criteria in their respective states. In spite of all of the exploration of the category and discussion as to changes needed, Kavale et al. (2009) believe SLD is seen as a catch-all

classification that encompasses a large population that may or may not be correctly identified.

Review and Critique of Research

In order to understand some issues surrounding the definition of SLD, a search of the literature was conducted to gain a better understanding of the history of the problem and current practices. A discussion of the search methods followed by a discussion of the research related to the topic of overidentification of SLD follows.

Description of Search Methods

The search for information began by researching the current definitions of Specific Learning Disability (SLD) through the electronic database at the University of Maryland Library research port. Databases that were searched included: Education Research Complete (EBSCO), Education Resources Information Center (ERIC), Journal Storage (JSTOR), and PsycINFO. The keywords specific learning disabilities, eligibility criteria, IDEA 2004, state criteria, state standards, school eligibility, Learning Disability (LD) eligibility, processing deficit, identification of SLD, overidentification in SLD, and assessment and decision making were utilized. After initial articles were located and the article resources perused, additional searches were conducted through several authors' names. A manual search of the reference lists from articles located was completed to ensure a deeper understanding of the situation. An overview of relevant studies is provided in Appendix B.

Research Findings

A review of relevant research in the following areas covered are the ambiguity of wording, the discrepancy formula used, variance in numbers, a blurred line between

intellectual disabilities and SLD. Further areas are the identification of low achieving students, and the influence of the Local Education Agency (LEA).

Ambiguity

Ambiguity is seen in parts of the definition of SLD as identified in regulations. There has been little understanding and consensus for terms such as processing disorder (Dean & Burns, 2002), academic performance (Garda, 2006), and discrepancy (Peterson & Shinn, 2002) that has lead to a lack of consistent application when eligibility is determined. Others have debated the meaning behind qualifying words in the definition like severe or need which can be seen as artificial and arbitrary lines to cross (Garda, 2006). IDEA is centered on the premise that the disability 'adversely affects' a student's academic performance but does not state what adverse means in this situation (Garda, 2006). States that have attempted to quantify the number to standardize the terms have met with little success.

The exclusion clause in the definition of SLD also leaves room for vagueness that can be manipulated. Though all states have adopted the eight exclusion criteria in the federal definition (Reschly & Hosp, 2004), there is not a consensus on how much stress should be applied to the word 'primary' in the exclusion clause. MacMillan and Siperstein (2002) reached the conclusion that schools were ignoring the exclusionary criteria so they could qualify students who demonstrate a need.

Discrepancy Criteria

A central idea to the identification of a SLD has been the discrepancy factor. Since 1977 the primary operational definition of SLD was in the discrepancy criteria (Kavale et al., 2009). The definition of a discrepancy between a child's ability and

academic achievement was to be the foundation for identifying SLD up to the present. The discrepancy criteria were originally proposed by Batemen in 1974 and seen as a key component in Individuals with Disabilities Education Act (IDEA) identification criteria (Meyer, 2000). He also noted that SLD was based on the assumption there was a connection between a student's ability and achievement.

There is nearly unanimous agreement across the states that SLD is manifested in a discrepancy between the individual's actual achievement and potential for achievement (Kidder-Ashley, Deni, & Anderton, 2000). Fuchs, Fuchs, and Speece (2002) stated that the discrepancy between a student's intellectual ability and educational achievement can be seen as the essential organizing idea of most definitions of SLD. Reschly and Hosp (2004) found 48 of the 50 states were using the idea of a discrepancy in their classification criteria. The United States (U.S.) Department of Education also used the notion of an aptitude-achievement discrepancy in federal regulations (McLauglin et al., 2006). The discrepancy factor is seen as one of the most common and stable feature of the SLD classification criteria (Reschly & Hosp, 2004). In another study by Kavale and Forness (2000) found the operational definition of SLD focused on the use of a discrepancy while the formal definition did not. It was further stated by Kavale and Forness (2000) that the discrepancy criterion can indicate the student's underachievement which does not conclusively indicate a disability. The operational definition that equated the presence of a discrepancy with the presence of a disability is not accurate as a discrepancy does not define SLD (Kavale et al., 2009).

Kavale and Forness (2000) saw the overwhelming reliance on the idea of a discrepancy as a major problem. The discrepancy can be seen as the possibility of a

disability but not necessarily an indicator of a disability. This idea was further explored by Scruggs and Mastropieri (2002) as they noted the discrepancy has come to be seen as equivalent to SLD in most cases rather than a possible component of an understanding of SLD. The suggestion that a discrepancy is a key identifier to SLD has not been nullified as there is not a consensus for what is the best method of determining the discrepancy and what is severe (Reschly, Hosp, & Schmied, 2003).

According to Gallego et al., (2006) states have determined their own identification criteria with different cut-off scores or formulas which has resulted in a majority of states with discrepancy in their criteria but a wide variance in the discrepancy level used. Reschly and Hosp (2004) found 48 of the 50 states use the idea of a discrepancy in their classification criteria yet the confusion is not clarified as only 31 SEAs provide guidance for the discrepancy formula. Seventeen states have established no guidance for the discrepancy criterion utilized when determining eligibility (Reschly & Hosp, 2004).

Discrepancy Methods

Related to the issue of using discrepancy to establish SLD, there is not one method universally used by the states. Consensus has not been achieved for the best method to determine discrepancy or the level of the discrepancy that is severe (Reschly et al., 2003).

Besides the application of a discrepancy formula, there is the issue of which method would best be used to determine the discrepancy. Methods to determine discrepancy varied widely as few states use the same simple or regression discrepancy approach (Peterson & Shinn, 2002). All states use their own identification criteria with

different cut-off scores or formulas (Gallego et al, 2006). Haight et al. (2001) stated there was no agreement on which method determined discrepancy accurately and the discrepancy method utilized would affect prevalence rates. The three most commonly used methods to determine discrepancy, include standard score difference, regression-based discrepancy method, and grade level discrepancy, all with have pros and cons. Clarizio and Phillips (1992) found standard score difference and regression methods appeared to arbitrarily limit the number of students identified with SLD to a percentage of the population. They further stated the regression method identified fewer students than the standard score under a fixed score approach. The study showed the classification accuracy for both methods was similar with 35% of the students misclassified and not receiving services, even though they may have SLD. This leads to students with SLD not receiving services. It was further found by Sternberg and Grigorenko (2002) that the standard score discrepancy was unreliable for identifying students with SLD.

A review of the three methods mentioned above emphasized that they are based on a difference between ability and achievement (Reschly et al., 2003) which led to the criticism the discrepancy doesn't establish a group of students with unique needs. Faulty criteria delayed treatment until later grades for poor readers who may not meet the discrepancy until the third or fourth grade. It was also seen by Proctor and Prevatt (2003) that moving between the different models of discrepancy can lead to a very different population being identified each time.

When reviewing students identified as SLD, Kavale, and Forness (2000) found only 50% of those students demonstrated a significant aptitude-achievement discrepancy.

Similar results were found in a study by MacMillan, Gresham, and Bocian (1998) where 32 of the 61 students identified as SLD did not meet the California state criteria for discrepancy. Across state lines there is a high degree of variability in the magnitude of the discrepancy that must be obtained to be considered severe (Peterson & Shinn, 2002). The difference between what the criteria stated and the information applied at eligibility has resulted in some students being over identified for SLD and others to be under identified.

Exclusionary Clause

The exclusionary clause delineated characteristics of children that exclude them from being identified SLD as stated in a study by Mercer et al. (1996). The exclusion clause as stated in the federal definition of SLD is the learning problem was not the primary result from the conditions recognized in the exclusionary clause (visual, hearing, motor disabilities, mental retardation, emotional disturbance, environmental, cultural, or economic disadvantage). A point of agreement within the definition of SLD between all of the states was the exclusionary clause from the federal definition (Cortiella, 2006; Reschly et al., 2003). This rose from an agreement rate of 96% across the states found by Frankenberger and Franzaglio in 1991 to 100% rate seen today. Kavale et al. (2009) stated the exclusionary clause is the only part of the SLD definition where the states can agree. It was seen that the exclusionary clause was stipulated in the formal definition for many states but lacked inclusion in the states' operational definition (Kavale & Forness, 2000).

While it would appear the exclusionary clause would assist a Local Education Agency (LEA) with the correct identification of students who do not qualify under the

category of SLD, current practice does not support that idea. Schools have elected to ignore the exclusionary clause to assist those students who are most in need. In a longitudinal study by Forness and Kavale (2001) almost 49% of school identified students with SLD actually had a primary diagnosis of emotional behavioral disability (EBD). MacMillan and Siperstein (2002) found more students fell into the 'gray area' and schools, faced with limited options to meet the student's academic needs, used the designation of SLD. In 1998, MacMillan et al. evaluated Eligibility Reports from 150 students and found the exclusionary clause was inconsistently applied when eligibility was determined for SLD almost 50% of the time. A survey of school psychologists by Fletcher and Navarrete (2003) concerning the use of the exclusionary clause established that less than 50% of those surveyed attempted to comply with the clause regularly when eligibility was determined while another 37% reported they ignored or attempted to circumvent the clause on a routine basis.

Low IQ/Low Achievers

Though several of the conditions mentioned in the exclusionary clause can be identified as a medical condition, the issue of intellectual ability can be stated as the most variable of all. Within the definition of SLD is an assumption of average or above average intellectual ability for the student identified (Reschly et al., 2003). The definition specifically stated that SLD does not include a learning problem that is primarily the result of mental retardation. Taken at face value it could be stipulated that students whose Intelligence Quotient (IQ) fell below the average range would not be determined eligible for the category of SLD and the special services that would be involved. Gresham, MacMillan, and Bocian (1998) noted that students were qualified for SLD even

when their full scale IQ scores should have disqualified them according to the exclusion clause.

Frankenberger and Fronzaglio (1991) gathered data from 51 directors of special education across the United States and in the District of Columbus that showed the number of states that specified an IQ cutoff score for eligibility had increased since a 1987 study by Frankenberger and Harper. A cutoff score of 70 (two standard deviations) or below is utilized by 60% of the states for the designation of Mild Intellectual Deficit (Sabornie, Evans, & Cullinan, 2006). The IQ level specified in previous decades changed from the original thoughts on the subject. In the 1960s and 1970s the IQ band for mental retardation was 55 to 85 (Gottlieb, Alter, Gottlieb, & Wishner, 1994). The authors further stated the mean of the range currently used for Mental Retardation (MR) designation is 54 (Gottlieb et al., 1994). There is no indication the population whose IQ fell between 55 to 85 went away, but they are being dealt with differently in today's school setting.

In a study by Gottlieb et al. (1994) students who had skills that were borderline MR had been classified as SLD. While the number of students in the categories of MR and communication disabled declined, the number of students labeled SLD increased (Gottlieb et al., 1994). The identification of students as SLD has created a widely heterogeneous group of students receiving special education services even though they do not qualify under SLD (Greene, 2007). The MR designation is a difficult one to place on a child and often times parents are resistant to accept the designation of this label. Schools have found that identifying a student as SLD is more acceptable for all members of the committee (Kavale et al., 2000).

Borderline intellectual functioning as measured by IQ tests is between 70 and 85, which represented about 14% of the school population (Shaw, 2008). These students are sometimes called slow learners, shadow children, gray-area kids, or crack kids (fall between the cracks) and usually would not meet eligibility for special education (Shaw, 2008). MacMillan et al. (1998) and Shaw (2008) found a large minority of these students receive special education services under the category of SLD or emotionally disturbed. Often these students are referred for special education because they have several characteristics that make classroom learning difficult and teachers need help to deal with the population (Shaw, 2008).

The lack of a distinction between SLD and MR has been an ongoing problem. In 1976, Mercer et al. (1976) noted many definitions do not have provisions for children who score in the borderline range of intellectual functioning. Another study in 1991 found 14 states and DC stipulated the IQ must be in the average range, but eight states did not indicate what the average range was while six others and DC specified various cutoff scores (Frankenberger & Fronzaglio, (1991). The authors declared the states that lacked a specifying criterion for the IQ have led to students being identified SLD rather than MR. Gottlieb et al. (1994) found states educated students as SLD who should really be classified as intellectually deficit. They attributed some of this to the change in the IQ band. Today the mean IQ for the classification of MR is 54 (Gottlieb et al., 1994). Gottlieb et al. (1994) found almost one in six students identified as SLD had an IQ that could be classified as MR. Many students with a borderline IQ (range of 70-85) were not classified as MR but classified as SLD. In 1999 Siegel noted the question of what IQ is necessary for one to be identified as SLD rather than MR continued to plague everyone.

He further explained that there is no “magic number” used by professionals to separate the two groups. Kavale (2005) stated the group of students classified as SLD should not function in the low average to borderline IQ range but within the average to above average range.

There is a suggestion that the basis for the confusion over IQ can be found in the measurement tools used to identify a student’s intellectual ability. McDermott, Goldberg, Watkins, Stanley, and Glutting (2006) stated students who experience academic difficulties that cause the referral to special education probably have a deficit that will exhibit itself in one of the components of the IQ testing. Sometimes the results obtained are an underestimation of the student’s true abilities. It has also been found that intelligence testing using the Weschler Intelligence Scale for Children- Revised (WISC-R) was heavily weighted toward acquired learning such as vocabulary and factual knowledge which can influence a child’s overall results (Meyer, 2000).

Local Education Agency Influence

Another area seen to be an impact on a student’s eligibility for services under the category of SLD is the local education agency (LEA). Public Law 94-142 established school based decision making teams commonly referred to as LEAs (Ysseldyke, Algozzine, Richey, & Graden, 1982). It must be recognized that there is influence of the LEA on the eligibility process as identified with the appropriate state definitions and criteria. In most cases the LEA is the “gate keeper” for services and tasked to make sense of the child who is not as educationally successful as the child should be in the educational environment. To that end the schools are asked to identify the core of the problem: the educational process in their schools or the student who does not make

progress (Greene, 2007). While it is hard enough to decide between the problem based in a psychological disorder or ineffective teaching, the decision is left up to the school. Most schools would probably prefer to think that the situation lies within the child and not the education they are providing. Many LEAs operate on the fundamental idea there are some students who need help to reach the same level of achievement as their peers, so the process is initiated by which a student is identified for special services. In order to assist with academic success and meet a student's needs within the school environment, identification is essential.

The overlying discovery has been that schools classify a child as SLD regardless of whether they meet the specified criteria prescribed in the state regulations (MacMillan, 1997). Members of the LEA each bring a different perspective to the table each and every time they discuss a student which has an influence on the decisions made. The decision can be influenced by the perspective of the teacher, other professionals, and the parent.

General education teachers. The idea the teacher will have a great deal of influence in the determination of SLD may be due to their position in the school. Knotek (2003) found there is no other staff member in the school who is more identified or professionally linked to the student than the child's teacher. Educators are primarily concerned with the quality of service they provide to students who need extra assistance and at the same time meet the needs of every student in the classroom. Sideridis, Antoniou and Padeliadu (2008) indicate that the use of RtI will increase the teacher's involvement and influence in the referral and identification of SLD.

Kavale et al. (2000) see the referral a teacher makes as the basis of the process but the process is influenced by teacher expectations and perceptions and not always tangible evidence. Teachers see themselves as responsible for the success of a low-performing student to various degrees which may prompt the referral (McLauglin et al., 2006). The referral is a sign the teacher has reached the limits of their tolerance of the student's individual differences and does not feel as if they can assist the child within the general education classroom. Gottlieb and Weinberg (1999) found a difference between the low achiever who is referred and a low achiever who is not referred based in factors that are external to the child. If a child is able to listen and learn, the child will be less likely to be referred for special assistance and the benefits of small group instruction (Greene, 2007). Bias in the referral process was noted by Goodman and Webb (2006) towards males due to the disproportionate number. Greene (2007) further stated some teachers have the perception that students can be helped by being identified for special services.

When looking at the influence school personnel have on the final decision, it is important to know that teachers who are on the "front line" have a different concept of the process of determining SLD (McLaughlin et al., 2006). It was further clarified that teachers see a lack of clarity in the different roles of the members of the committee and confusion within the entire process. Within the context of the referral meeting, Knotek (2003) found the teacher's descriptions of the student's problems framed the initial discussion and set the tone and focus of the meeting. Knotek's study (2003) found the "social context" of the referral meeting led others to sustain the view the teacher presented at the meeting of the student's problems.

In a study by Kavale and Reese (1992) 74% of the referrals were initiated by teacher and poor academic performance was the reason 86% of the time. When Gottlieb et al. (1994) reviewed special education referrals at 165 elementary and middle schools in one region of a large city, 85% of referrals initiated were determined eligible for services. Another study by Ysseldyke (2001) reinforced the strong connection between a referral and the eligibility decision. Ysseldyke found almost 90% of the students who were referred to the committee were assessed with 73% of those assessed being determined eligible for services. This is a strong commentary on the power of the teacher referral.

Other school personnel. Other stakeholders also have been found to prejudice or influence the eligibility decision. Scruggs and Mastropieri (2002) found an extremely important aspect of the identification process is the individual or group judgment of the professionals who are part of the process. Competent professionals are not bound by adherence to the state mandated formulas or rules but can use well informed judgment when making eligibility decisions on a case-by-case basis (Kidder-Ashley et al., 2000). Mercer et al. (1976) saw the influence of the professional from the beginning of the category with identification of SLD being based on the expert opinion presented at the eligibility meetings. Team override, the discretion granted to the LEA to classify a student with SLD even though the student did not meet one or more of the criteria for eligibility, was used with some frequency across the United States in a study by Reschly and Hosp (2004). It was also found by Knotek (2003) that the influence of the other professionals at the table led more committee members to adopt the language and conceptualizations presented by those with higher educational degrees or specialized roles in the process. The guidance counselor was even noted to speak in a manner that

led the other team members to view the child's problems objectively rather than subjectively (Knotek, 2003).

The idea a professional could use clinical judgment to determine a child with a disability, in light of assessment results, continues to be permitted in the Individuals with Disability Education Act (IDEA) (Francis et al., 2005). This impact was seen by Gottlieb et al. (1994) where the lack of a stringent, numerically quantifiable definition allowed school clinicians wide latitude in the determination of who is eligible under SLD. Research by Peterson and Shinn (2002) has shown many students identified with SLD do not demonstrate the discrepancy that is prominent in regulations but professional judgment prevailed. MacMillan and Saperstein (2002) found committee members were aware that assessments were mandatory and used a variety of combinations to justify the classification decision. In an earlier study, MacMillan (1997) noted the LEAs did follow the guidelines in the sense they worked to find a combination of test scores that would justify the child's eligibility for special services under SLD.

Parental influence. Another representative of the decision making team with a large influence and a large stake in the outcome of the committee is the parent or parents. Hammill (1993) summed it up as parents represent the heart of SLD as their daily life revolves around the consequences of the diagnosis. McLauglin et al. (2006) found the extent of parent involvement in the process has an influence, and ultimately smoothed the way, for the decision the committee made. Parents might see the eligibility as an opportunity to receive assistance for their child rather than the idea of their child being labeled. Mamlin and Harris (1998) stated that parents see the label as necessary for their child to obtain services. Lauchlan and Boyle (2007) found people sought the diagnosis or

label as it provided an explanation for the difficulty, which led to interventions and support that improved the child's life. Florian et al. (2006) stated parents saw the label of SLD as a guarantee of the services that they looked for and wanted for their child was reliant on the classification system. Lerner (2004) found parents may be looking for accommodations that could assist their child on system-wide assessments such as the Scholastic Aptitude Test (SAT). This idea was reinforced in a review of accommodations used in Beverly Hills and LaJolla where 10% of students received extra time while no students in nearby Inglewood utilized any accommodations.

One important factor seen in a study by Kavale et al. (2000) was that the label of SLD had a positive connotation attached to it that makes SLD more of a disability category of choice. Eligibility under SLD was seen as a way to placate parents who would be more troubled by the classification of their child as Mentally Retarded (MR) or Educable Disabled (ED) both of which were seen to be more of a stigma than SLD. Florian et al. (2006) saw this influence as a parent's desire to have an explanation for the difficulties and ensured appropriate services were used with their child without the negative connotation of MR. Sternberg and Grigorenko (2001) raised the idea that a school may designate a child as SLD in order to avoid the possibility of more costly litigation.

Summary of LEA. Regardless of who appears to exert the most influence on the LEA decision, the end result is that schools have approached the eligibility decision with diverse sets of concerns. Each LEA is different in referral, child find, guidelines, evaluation committees, strength of professionals, parental influence, and acceptability of designation from the next committee (Singer, Palfrey, Butler, & Walker, 1989). The end

result for the process was seen by Elksin et al. (2001) who stated eligibility teams cover the spectrum of strictly adhering to results or disregarding results totally which can then result in subjective identification of students with SLD. Healey (2005) summarized that parents and professionals selected SLD as it is the socially acceptable disability category. Sternberg and Grigorenko (2001) attributed labeling of a student permits the members of the LEA to believe they have an understanding of the problems the student faces in the attaining of educational success.

This discretion for decision-making can be attributed to our nation's strong tradition of local control over education (Reschly et al., 2003). This has lead to the end result of 33% to 50% students identified as SLD not meeting stated criteria which evidence indicates is related to overidentification through the misapplication of state criteria at the LEA level (Reschly & Hosp, 2004; Scruggs & Mastropieri, 2002). Sternberg and Grigorenko (2001) found the label is intended to create an understanding of the child's needs, but the label does not construct an understanding due to the variations and overidentification of SLD.

A study by Clarizio and Phillips (1992) noted results indicated low achievement was weighted more heavily for SLD determination than the discrepancy factor in procedures by LEAs. McLaughlin et al. (2006) stated the decisions to determine SLD were influenced more by LEA and problem solving than the state or federal procedures the LEA is required to follow. The end result is variability in the eligibility process and a lack of adherence to the accepted criteria in the state where the student currently resides. In today's mobile society, the situation can be further compounded if the student were to move to another state or possibly even within the state. A redetermination of the

eligibility process in the new school can determine the student no longer eligible for services and place them at-risk for failure.

Lemkuil, Ysseldyke, Ginsburg-Block, and Spicuzza (2009) stated the extent to which the process works is correlated directly with the integrity of implementation. Scruggs and Mastropieri (2002) declared that while LEAs continue to determine eligibility on subjective and idiosyncratic ideals, no change in the definition or federal policy would be successful in the creation of a group of students with similar needs. When local procedures of implementation in the decision making process are standardized, the variability currently seen will likely decrease. Gottlieb et al. (1994) summed it up with the thought that there is one definition of SLD that is mandated by the regulations while there is another definition that is utilized on a day to day basis in the schools.

Variance

All issues discussed have led to a great deal of variance in eligibility for students across and within state lines. Reschly and Hosp (2004) concluded that two children with identical test scores and learning needs could receive different labels based solely on their state of residence. Substantial disparity is seen across the states in the number of students diagnosed as SLD (Lester & Kelman, 1997). Levels for SLD diagnosis had significant variation across states than the actual prevalence of an organic disability should vary according to Lester and Kelman (1997). There was little reason stipulated for the different rates seen except for a lack of consistency in the identification procedures in a study by Kavale and Forness (2000).

In a state it is reasonable to expect the criteria specified for eligibility would be consistently applied within and across districts (MacMillan et al., 1998). In a study by Dean and Burns (2002) which surveyed the criteria among Michigan's 57 school districts it was found there were 19 different diagnostic approaches used in the state. When California state criteria was applied to 150 students identified with SLD, MacMillan et al. (1998) found only 61 of the students met eligibility criteria. Peterson and Shinn (2002) discovered students in a high achieving district in Minnesota were being qualified for SLD even though their achievement was higher than a typically achieving student in a neighboring, low achieving district. Scruggs and Mastropieri (2002) said each state can do much more to reduce variability through the employment of more consistent and specific criteria. They also concluded that many of the problems seen in identifying a student with SLD could be erased by increasing the state criteria and adherence to those criteria at the local levels.

Summary of Literature

Whether the problem is found within the ambiguity of the terms, the influence of the LEA, the lack of delineation of the line between low Intelligence Quotient (IQ)/low achievement, or the interstate/intrastate criteria variability, it all comes down to students not being identified correctly. It has been stated students identified with Specific Learning Disability (SLD) should have needs that vary more in terms of intensity than in type (McLaughlin et al., 2006). Keogh (2005) clarified that SLD is defined equally by what it is not as what it is. He further attributed this to the fact SLD fulfilled an important need in the field of special education. The students who are placed under the SLD category are not the distinct group that Samuel Kirk might have visualized in the

early sixties. Studies completed up until now arrive at the same result: schools have attempted to appease the parent and assist the teacher in the general education classroom yet the impact is felt by the student.

The one thing that does not seem to be a priority is the application of the regulations as they are written to identify students correctly. The LEAs cannot be found to carry the blame for the current situation totally as the variations in the regulations have permitted the disparity in how eligibility is applied. The CSCs in the participating school system are subject to the same issues and pressures as a school in the states which can result in students being incorrectly labeled. This can result in services that do not meet the student's individual needs but address the issues seen by the teacher or parent. The results will demonstrate whether further instruction is necessary to the CSCs for adherence to the participating school system's Special Education Procedural Guide to avoid errors that are permitted currently. Results may also indicate if procedural changes need to be reviewed to address current situations that have occurred in order to permit the avoidance of inaccurate labeling.

CHAPTER III

Methodology

The purpose of this chapter is to describe the methods used to address the research questions. First the research questions are delineated. Next, the research design, population sample, record review process, data collection procedures, and reliability measures are described. Finally the methodology used to address the research questions is presented.

Research Questions

The purpose of this study was to determine if the Eligibility Reports (refer to Appendix A) for third, fourth, and fifth grade students in school year 2009-2010, who were eligible for special education services under category D-Learning Impaired-Specific Learning Disability (D-LI-SLD) in the participating school system's (PSS's) Region A, contained information to establish eligibility in accordance with the participating school system's Special Education Procedural Guide. In order to examine if Eligibility Reports for third, fourth, and fifth grade students contained information that would meet criteria in accordance with the Special Education Procedural Guide, five research questions were investigated:

1. Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system specify whether academic achievement scores in math, reading, or language arts were near or below the 10^{th} percentile or at or near the 35^{th} percentile for students whose mental ability was one and a half or more standard deviations above the mean?

2. Did the Eligibility Reports of students identified under D-LI-SLD contain evidence indicating a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; and/or (3) significant weakness identified in language processing with comparative strength identified, in accordance with established criteria in the participating school system?

3. Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system contain academic achievement in math, reading, or language arts at the specified level (Research Question 1) and identify a processing disorder (Research Question 2) in accordance with the established criteria as identified by the participating school system?

4. Did the CSC include information related to student performance or test results from parents, guardians, students, and/or other professionals in the Eligibility Report for identified students under the category D-LI-SLD?

5. Did the CSC include the educational area(s) affected by the student's disability in the present level of functioning, achievement, and performance section of the Eligibility Report for identified students under the category D-LI-SLD?

Design of the Study

This was a descriptive study which utilized structured record reviews of randomly selected students who were diagnosed under category D-LI-SLD. The reviews examined the Eligibility Reports from Region A on students who were in grades three, four, and five in school year 2009-2010 and who had been identified under category D-LI-SLD

that the CSC entered into the EXCENT ONLINE™ database. The participating school system's central office authorized access to the EXCENT ONLINE™ database for Region A once Institutional Review Board (IRB) approval was granted from the University of Maryland and the participating school system. After technical clearance was obtained, access to the database was conducted through a Region A authorized computer outside of the duty day.

Participants

The Eligibility Reports of students in grades three through five who had been identified as eligible for special education under category D-LI-SLD and receiving services during school year 2009-2010 in Region A were the selected group for the study. As of April 26, 2010, the total number of students in Region A who met the criteria was 351. The grades of third through fifth were chosen for several specific reasons. First, students who had previously been identified under category E-Developmental Delay (E-DD) reached the age where they "aged out" of that category and needed to have a new eligibility established under a different category to continue to receive special education services. According to the participating school system's Special Education Procedural Guide (PSS 2500.13-G, 2005) a "child classified with a developmental delay before the age 7 may maintain that eligibility classification through the age 10 years" (2005, p. 5-24). The guide further states a student under category E-DD being reevaluated "must not have reached his or her eighth birthday by the date of reevaluation/eligibility" (2005, p. 5-29). If the student still needs special education intervention, the CSC must consider assessment under other categories. Reclassification of a student with a disability into a

new disability category entails a full evaluation of the student's skills and current educational level.

Second, it is in third through fifth grade that the curriculum requires students to move from 'learning to read to reading to learn' which can cause educational difficulties to be more pronounced (Zezula, 2001). As a student moves above the fourth grade, the reading begins to be more expository reading versus the reading of stories. Volpitta (2011) noted many referrals for special education services begin in the third grade where there is a change in the educational demands. Though Robb (2011) stated the "learning to read, reading to learn" theory is a myth, there is a basis for the concept. Educators in the grades four through eight expect students to apply their reading skills to "cover large amounts of new material" in a short time (Robb, 2011). Students are then faced with the expectation they will use reading to create knowledge (Volpitta, 2011).

Lastly, in the participating school system young children with reading problems in the primary grades of kindergarten, first, or second may be considered eligible for services under category C-Communication Impaired-Language/Phonology (C-CI-L/P) and/or D-LI-SLD. The participating school system's Special Education Procedural Guide states that C-CI-L/P is appropriately utilized when the "child is too young to obtain valid academic achievement results" (2005, p. C-6.8). The documentation of the impact communication has on a student in kindergarten, first, or second grade is easier to complete than the criterion of "near or below 10^{th} percentile" for D-LI-SLD. Thus, the use of C-CI-L/P permits the child to receive support and intervention rather than waiting for the student to fail. The guide further states that an assessment under category D-LI-SLD would become "appropriate when the child reaches an age/grade at which valid

academic achievement results" in math, reading, or language arts can be determined" (2005, p. C- 6.8). This was clarified in the Spotlight on Special Education (2004, Issue 31, p. 2) where it was discussed that children in third or fourth grade, with a previously identified language disorder, may begin to demonstrate a more significant impact on their education that can then be substantiated through standardized assessment.

All these situations leave students in grades three through five more likely to have a comprehensive evaluation done. Eligibility under each category requires a full evaluation of the student's skills and current educational level in the areas of academic achievement for math, reading, and/or language arts and processing of information. The students qualified for participation in the study were determined eligible during or before the 2009-2010 school year and all were receiving services under category D-LI-SLD.

The 2010 enrollment for the third through fifth grade population identified under category D-LI-SLD in the participating school system was 747 students from a population of 20,006 third through fifth grade students (PSS Data Center, 2009). This included 6,039 students in Region B with 159 D-LI-SLD identified students in third through fifth grades, Region C had 5,121 students with 306 D-LI-SLD identified students in grades three through five, and 8,846 students in Region A with 351 D-LI-SLD identified students in grades three through five. So, students identified as D-LI-SLD represented about 3.96% of the total third through fifth grade population in the participating school system in Region A. Region A had 52 elementary schools. A review of the participating school system student data in the 52 schools revealed 5 of the 52 schools did not have any students eligible for services under the designated category

of D-LI-SLD during the 2009-2010 school year as of April 26, 2010. As a result, students from 47 schools were potentially included in this study.

In accordance with participating school system IRB specifications, parental permission requests (refer to Appendix C) were mailed to the CSC chairperson working in each of the 47 schools that had students in third through fifth grade identified as having D-LI-SLD. The CSC chairpersons were included in the process as stipulated by the participating school system's IRB. The names of the potential study participants were unknown to the researcher as the participating school system only identified the number of students who fit the study's profile at each school. The number of individual parental permission slips a school needed was sent in one envelope to the CSC chairpersons through the postal system. Each school received a copy of the IRB approval letter from the participating school system. A cover letter to the school (Appendix D) was included that detailed the purpose of the study and requested assistance with distribution of the individual permission forms to parents of potential participants. After receiving the parent permission slips, nine schools with 69 potential participants, declined to participate in the study by returning the letters or sending an email to the researcher. It was unknown if other schools did not participate as there was not communication requested of a school if they were in agreement to participate. This reduced the number of schools participating to 38 and the number of potential participants to 282.

The cover letters to parents (Appendix E) and parental permission forms were included in individual envelopes addressed to parents of potential participants. Parents were requested to complete the permission form and send it back by scanning and emailing the document or sending it in the self-addressed envelope through the postal

system. There were 106 permission forms (37.58% of 282 eligible students) received by the June 2010 deadline. In reviewing the received permissions it was noted that 17 (16.03%) did not meet the criteria of the study due to being in the wrong grade or category of eligibility. This reduced the number of student files with permission to 89 or about 25% of the 351 students who had been identified as having D-LI-SLD.

Data from the EXCENT ONLINE™ dataset for each of 89 students were then extracted. When the dataset was searched by student name, records could not be located for 20 (18.86%) of the 89 students. The search for the 20 files was conducted under active, inactive, and referred portions of the EXCENT ONLINE™ program to determine if the files were misfiled. However, they were not found, thereby reducing the sample to 69 students (19.65% of the total eligible). The 69 files located in EXCENT ONLINE™, with permissions returned, were all identified by their school on the eligibility cover sheet as category D-LI-SLD. So the records of 69 students made the sample of the study.

Record Review

EXCENT ONLINE™. The participating school system utilizes an electronic special education management program from Global Education Technologies (GET). The company identifies the EXCENT ONLINE™ program as a customized Individualized Education Program (IEP) case management software system. The electronic program manages files for all students age three to 21, considered or eligible for special education services within its schools. The program includes all paperwork necessary to move a student through the entire process including referral, assessment, eligibility, IEP development, and dismissal. The program contains a bank of goals and objectives used to create the IEP and up to six progress reports to document a student's

progress. An employee of the participating school system inputs the information in the files for each student. Case managers generate invitations to parents for meetings and print out student summaries and reports for system-wide assessment. Service providers in the schools access the program to maintain progress at least quarterly for their students. The special education assessor teams in each school complex use the system to input relevant data and write the synthesis of test data prior to the eligibility meeting. The area offices in Regions A, B, and C use information in EXCENT ONLINE™ to establish "manpower" hours which determines special education staffing within the school system.

Information used to answer all five research questions were collected from EXCENT ONLINE™ and transferred to a structured Data Collection Protocol (refer to Appendix F). The information was gathered according to the sections of the Eligibility Report from EXCENT ONLINE™. At the top of the Eligibility Report (refer to Appendix A), the student's name, grade, and the date of the meeting are listed. The student's date of birth was located in EXCENT ONLINE™ and written on the bottom of the Eligibility Report by the researcher to assist with age at time of evaluation.

Content of the Eligibility Report. Students eligible for services under category D-LI-SLD are assumed to have met the criteria established in the participating school system's Special Education Procedural Guide and available in each student's Eligibility Report. The participating school system's Special Education Procedural Guide indicates the CSC is to document the determination of eligibility or non-eligibility (2005, p. 5-2). It lists prereferral activities and the six portions the Eligibility Report to contain Section I: Tests/Assessments Administered, Section II: Synthesis of Test Data, Section III:

Information from Parents/Guardians/Students, Section IV: Information from Other Sources, Section V: Decision Reached: Eligible or Non Eligible, and Section VI: Areas Affected, Present Level of Performance (PLEP), Strengths, Needs, and Related Services.

During the prereferral activities, vision acuity, hearing acuity, and a health screening should be completed to rule out contributing factors in accordance with the participating school system's Special Education Procedural Guide (2005, p. 3-12) and must be indicated on the Eligibility Report (refer to Appendix A). Additionally, the limited English proficiency question at the beginning of the Eligibility Report must be completed; the CSC must make the decision as to whether language acquisition can be ruled out as a factor affecting the child's performance (2005, p. 14-6). If the formal referral is pursued, a formal language assessment should be included.

For Section I of the Eligibility Report (Tests/Assessments Administered), all assessments completed on the student are listed, including observations, record review, and a social/family/medical history. The names of all psychometric tests utilized in the evaluation, as well as the dates the assessments were completed, are found in this section of the Eligibility Report. Section II of the Eligibility Report (Synthesis of Test Data) includes a synthesis of formal and informal findings of the multidisciplinary assessment team, as well as current academic progress and educational performance. The synthesis is identified as the "supporting evidence of disability and impact on educational performance" according to the participating school system's Special Education Procedural Guide (2005, p. 5-3). The guide further indicated the "synthesis is not a reiteration of test scores, but rather an organization of the facts presented by the individual assessment reports" (2005, p. 5-3). The synthesis also is expected to contain

information and data from both formal and informal assessments (e.g., observations, social/family/medical history, work samples, parent comments, school-wide tests, grades, curriculum based assessments) and analyzed for patterns of deficits and strengths. Results that appear to contradict other findings should be explained in writing, as should reasons for overruling test scores. The synthesis should not present conclusions, but presents facts from which conclusions may be drawn (2005, p. 5-3). "The results of assessments must relate the findings to classroom/academic performance and should include both patterns of strengths and deficits" according to the Special Education Procedural Guide (2005, p. 5-3). After all assessments have been conducted and synthesized as parts of Section I and II, an eligibility meeting is convened.

Data presented in Sections III (Information from Parents/Guardians/Student) and IV (Information from Other Sources) document the information gathered that may have impacted the eligibility decision. Additional information may be garnered to provide clarification and further insights and placed in Sections III and IV. Section III of the Eligibility Report contains input from the parents, guardians, and/or student that is different from information gathered during the referral process and included in Sections I and II. "Additional information that was not included in the Social/Family/Medical History and comments that support, or refute test findings are written in this Section during the meeting" (2005, p. 5-3). Student information would be obtained from the student under assessment. Section IV of the Eligibility Report contains information from other sources such as the general education teacher, other specialists, or related service providers. The information may be pertinent in determining a student's eligibility for

special education services. This section also includes information not available in the formal assessment phase and included in Section I and II of the Eligibility Report.

Section V (Decision Reached: Eligible or Non Eligible) of the Eligibility Report lists the four eligibility questions a CSC must answer affirmatively to establish eligibility for category D-LI-SLD under the guidelines. The members of the CSC are required to review the assessment results and, along with any other information presented at the meeting, answer the four eligibility questions. The Special Education Procedural Guide states all questions must be answered 'Yes' for the student to be determined eligible for special education and related services (2005, p. 5-3). The guide further states the CSC must base its answers on "a synthesis of all data collected during the procedural process coupled with the professional judgment of the CSC membership" (2005, p. 5-3). In accordance with guidance from the Spotlight on Special Education (2002, Issue 10, p. 2), the CSC is to answer questions pertaining only to one category that indicates the child's primary disabling condition regardless of how many other categories might have been considered (2002, Issue 10, p. 2). All Eligibility Reports in this study should have category D-LI-SLD questions answered in the affirmative. The four mandatory eligibility questions are:

1. Is the student's achievement in math, reading, or language arts near or below the 10^{th} percentile (at or near the 35^{th} percentile for students whose mental ability is one and a half or more standard deviations above the mean)?
2. Is the student's adverse academic achievement in math, reading, or language arts due to one of the following deficits?

Specific Learning Disability – a disorder in (a) processing; (b) production of language; and/or (c) information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; (3) significant weakness identified in language processing with comparative strength identified?

3. The identified learning problem is not due primarily to a visual, hearing or motor disability.
4. The learning problem is not due primarily to emotional disturbance, environmental deprivation, cultural differences, or English as a Second Language.

After answering the four eligibility questions affirmatively, a CSC must identify the educational area adversely affected by the disability under Section VI (Areas Affected, Present Level of Performance (PLEP), Strengths, Needs, and Related Services) of the Eligibility Report in accordance with the participating school system's Special Education Procedural Guide (2005, p. 5-4). Under Section VI, the CSC is to indicate a child's need for services under one or more of six areas. These areas include educational, social/emotional/adaptive behavior, communication, cognitive, physical/motor and physical/health, and transition/life skills/career. The Special Education Procedural Guide states this section is to be completed during the eligibility meeting (2005, p. 5-4). The CSC identifies the area(s) based on the data presented in the eligibility meeting. These identified area(s) are to form the basis of specialized instruction for the student.

Data Collection Procedures

The Eligibility Reports of the 69 participants were examined to determine if they contained information that permitted the determination of eligibility according to the participating school system's criteria. Information was gathered on a Data Collection Protocol (refer to Appendix F) in reference to the inclusion of mandatory information as a part of every Eligibility Report, regardless of the category of assessment. There were five steps to the researcher's data collection process. First, each of the 69 files were reviewed to confirm each included an Eligibility Report; all did and all contained demographic data of age, gender, grade, date of the eligibility meeting, information related to Limited English Proficiency as well as the results of the vision and hearing screening.

Second, data were examined on the six sections from each EXCENT ONLINE™ Eligibility Report (N=69) and recorded on the Data Collection Protocol found in Appendix F. The protocol aligned section by section with the Eligibility Report. Specifically the Eligibility Report was examined and relevant information was recorded on the Data Collection Protocol.

Section I: All assessments listed on page two of the Eligibility Report to include a record review, an observation, educational performance, and social/family/medical history were examined and identified as a current assessment, not current, or unknown. Each assessment required by the participating school system's Special Education Procedural Guide was recorded as indicated or not indicated. In addition to the four required procedures (observation, social/family/medical history, records review, and educational performance), an academic achievement assessment in math, reading, or

language arts, and a processing assessment were recorded as indicated or not indicated. If a language assessment was included, it was recorded in a similar manner. During the examination of the Eligibility Report, information was recorded if it indicated what type of evaluation (incoming, initial, triennial, change of category, or not indicated) was being conducted.

Section II: Assessment results were included in Section II of the Eligibility Report and information was recorded relating to the results of (a) observations, record reviews, and social family/medical history; (b) academic achievement assessments in math, reading, or language arts to include range/standard score/percentile; (c) information on processing assessments to include range/standard score/scaled score/percentile, and (d) if included, language assessments to include range/standard score/scaled score/percentile. Information in Section II was examined and recorded to respond to Research Questions 1, 2, and 3.

Section III and IV: The next information gathered on the Data Collection Protocol was whether information was included from parents, guardians, the student (Section III) and/or other professionals such as the general education teacher, other specialists, or related service providers (Section IV). These were identified as containing information (yes) from the various sources or not containing information (no) in the respective Sections. This information was gathered to address Research Question 4.

Section V: The answers to the four eligibility questions by each CSC for each student were recorded on the Data Collection Protocol. This provided information as which categories were indicated by the CSC in the affirmative for categories A through

E. Though only one category should be addressed at the eligibility meeting according to the Special Education Procedural Guide, more than one category could be indicated.

Section VI: Information was gathered on present level of functioning, achievement, and performance. The information was gathered to respond to Research Question 5.

Step 3 involved entering the data from the Data Collection Protocol (Appendix F) onto an EXCEL file so as to compute the frequency scores to address each of the five research questions. Additionally, the names of all the psychometric testing instruments used for each participant were listed on a second EXCEL spreadsheet to determine the frequency and percentage the different assessment tools utilized by the assessors across Region A.

Step 4 consisted of creating a Word document and entering background/referral information and assessment results from observations, record reviews, social/family/medical history, educational performance, academic achievement in math, reading, or language arts, processing assessment, and, if completed, language assessments as well as information from teachers, parents, guardians, and others. The document was developed by the researcher to assist with determining an eligibility outcome for each student (N=69) based on the available information in each Eligibility Report. The sheet also contained a table specifying four eligibility options. Appendix G presents the Eligibility Determination Sheet.

Step 5 consisted of the researcher identifying each student according to one of four eligibility options after examining the information on the Eligibility Report (Appendix A) and the Data Collection Protocol (Appendix F). In order to remove

extraneous information and focus on pertinent information that would be analyzed and synthesized in the determination of eligibility, the researcher created the Eligibility Determination Sheet (Appendix G). A decision was made to use all sections of the Eligibility Report rather than only the information located in Section II. Information was listed on the Eligibility Determination Sheet from Section II, III, IV, and VI to determine if there was information that substantiated the eligibility determination made by the CSCs. The use of reference materials (i.e., DSM IV, PSS Special Education Procedural Guide, different assessment technical manuals, and a psychometric conversion table) was utilized to ensure a consistent understanding of any terms used such as 'low average' and its equivalent percentile. Specific assessment information concerning assessment results were classified for academic outcomes first and processing second. In order to examine how students met the criteria for D-LI-SLD, the researcher identified each student according to one of four eligibility options. The eligibility options were identified to address Research Question 3 and consisted of the following:

1. Academic achievement in math, reading, or language arts **IDENTIFIED** near or below the 10^{th} percentile or at or near the 35^{th} percentile for students whose mental ability is one and a half or more standard deviations above the mean **WITH** processing identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; or (3) significant weakness identified in language processing with comparative strength identified.

2. Academic Achievement in math, reading, or language arts **IDENTIFIED** near or below the 10th percentile or at or near the 35th percentile **WITHOUT** a processing disorder identified.

3. Academic Achievement in math, reading, or language arts **NOT IDENTIFIED** near or below the 10th percentile or at or near the 35th percentile **WITH** a processing disorder identified.

4. Academic Achievement in math, reading, or language arts **NOT IDENTIFIED** near or below the 10th percentile or at or near the 35th percentile **WITHOUT** a processing disorder identified.

Interrater Reliability

Interrater reliability of the information necessary to answer the five research questions was determined using independent judgments of two additional raters. All raters involved in the interrater reliability were currently certified by the participating school system and had at least eight years of employment. The first rater was the researcher with a Master's of Education in Curriculum and Instruction and a second Master's of Education in Special Education. The second rater who assisted with interrater reliability had a Master's of Education in Special Education and was obtaining a second Master's of Education in Autism. The third rater was a school psychologist with a doctorate in Education.

As stated, the researcher (rater 1) reviewed and recorded pertinent data on eligibility about each student. The collection of information included data that covered 25 points on the Data Collection Protocol (Appendix F) to include demographic data of age, gender, grade, limited English proficiency, vision, and hearing clearance, and

information listed under Sections I through VI of the Eligibility Report. The second rater independently completed Data Collection Protocols on 24 randomly selected files from the 69 files in the study after choosing numbered squares from a basket. After the 24 data collection protocols were completed, a comparison was made between the data collection protocols of the researcher and the second rater. Any differences were discussed between the researcher and the second rater. The formula used for calculating interrater reliability was agreement (occurrence and nonoccurrence) divided by agreements plus disagreements multiplied by 100 to obtain the percent of agreement for each record. Interrater reliability was found to be at 99.82% based on agreement for 25 out of the 25 points on 23 of the 24 files.

A second interrater reliability was conducted to determine agreement between rater 1 and rater 3 on the selection of one of the four eligibility options as described in step 5 of the data collection process. Rater 3 read each Eligibility Data Sheet on all participating students and then selected one of the four eligibility options. Rater 3's results were compared to rater 1's results. The formula used for calculating interrater reliability was agreement (occurrence and nonoccurrence) divided by agreements plus disagreements multiplied by 100 to obtain the percent of agreement for each outcome. The interrater reliability was found to be 100% for all 69 students.

Data Analysis

The analysis of the information collected consisted of calculating frequency and percentages for the demographic information. A second analysis was completed in relation to the results of the different assessments and other information listed in the

Eligibility Report that would have an impact on determination of a student's eligibility. Results were coded and analyzed using frequency and percent.

IRB and Confidentiality

This study underwent Institutional Review Board (IRB) approval for non-human study from the University of Maryland and the participating school system. All records and identifying information was destroyed following the data analysis for this study. All participants' identities and other information were kept confidential and they were not linked to the findings of this study.

CHAPTER IV

Results

This chapter presents the findings of data collected on students in grades three through five who were eligible for services under category D-Learning Impaired-Specific Learning Disabilities (D-LI-SLD) in Region A of the participating school system during the 2009-2010 school year. The analysis of the information was conducted in reference to the five research questions of the study through frequency and percentages.

The purpose of this study was to examine the application of the participating school system's guidelines for academic achievement in math, reading, or language arts and an identified processing deficit. The study specifically examined if the Eligibility Reports contained the information to support the criteria of academic achievement and processing as outlined in the participating school system's Special Education Procedural Guide. Additional questions asked if the Case Study Committee (CSC) included information in Section III and IV from parents/guardians/students and other sources as well as identified needs under Section VI of the Eligibility Report. The first part of this chapter is a description of the study population. The second part of the chapter is a discussion of the review of the research questions in relation to determining study eligibility under category D-LI-SLD.

Sample Characteristics

A total of 69 files representing 19.65% of the 351 third through fifth graders identified as D-LI-SLD in Region A during 2009-2010 were reviewed. Following is a description of the demographic information of the sample.

Age and gender. A larger percentage of males (65.21%) than females (34.78%) were represented in the dataset (Table 1). Of the 69 in the total sample, 50% of the students were 8 years of age (26.08%) or 9 years of age (24.63%). An additional 33% (N = 23) of the students were 10 years of age. There were 7 students (10.14%) who were 7 and 4 students (5.70%) who were 11. Females (N = 5) represented more students at age 7 than males (N = 2). There were twice as many males (N = 12) than females at 8 years old (N = 6). This gap widened to more than four times at 9 years of age where there were 3 females and 14 males. There is less of a difference for students at age 10 where there were 13 males and 10 females. At age 11 the genders were divided equally between males (N = 2) and females (N = 2). The distribution of subjects by age is shown in Table 1.

Table 1

Age at Eligibility Determination for Category D-LI-SLD for 69 Students

Age	Male		Female		Total	
	f	%	f	%	f	%
7	2	2.89	5	7.24	7	10.14
8	12	17.39	6	8.69	18	26.08
9	14	20.28	3	4.34	17	24.63
10	13	18.84	10	14.49	23	33.33
11	2	2.89	2	2.89	4	5.79
Total	43	62.29	26	37.65	69	99.97

Grade and gender. The largest group consisted of 29 students (42.02%) in fourth grade and the smallest number were 17 in fifth grade (24.63%). Third grade accounted for the remaining 23 (33.33%) of the 69 students. A third grader was almost three times as likely to be male (N = 17) than female (N = 6). There was an equal

number of male students (N = 17) in both third and fourth grade. There were twice as many females in fourth grade (N = 12) than were in the third grade (N = 6). This equaled the total number of fifth graders, male (N = 9) and female (N = 8), in the study. Almost 50% of the females in the study were in fourth grade. The distribution of subjects by grade is shown in Table 2.

Table 2

Grade at Time of Study for Category D-LI-SLD for 69 Students

Grade	Male		Female		Total	
	f	%	f	%	f	%
3rd	17	39.53	6	23.07	23	33.33
4th	17	39.53	12	46.15	29	42.02
5th	9	20.93	8	30.76	17	24.63
Total	43	63.76	26	36.23	69	99.98

Research Question 1

The first research question was concerned with how many students met the criterion of near or below the 10th percentile or at or near the 35th percentile in accordance with the academic criteria. There were no Eligibility Reports where intellectual functioning was found to be above average identified as one and a half or more standard deviations above the mean in accordance with the participating school system's Special Education Procedural Guide (2005, p. 5-20). Thus, all Eligibility Reports were reviewed for the criterion of near or below the 10th percentile. When identifying the number of Eligibility Reports that listed achievement near or below the 10 percentile, 50 records (72.46%) showed students met the criterion while another 19 records (27.53%) indicated

achievement at a higher level, which ranged from 17th percentile to the 69th percentile. The information is presented in Table 3.

Table 3

Identified Academic Achievement in Math, Reading, or Language Arts near or below and over the 10th Percentile for 69 Students

	N	%
Near or below 10th Percentile	50	72.46
Over 10th Percentile	19	27.53

Research Question 2

The second research question focused on whether a student's adverse academic achievement in math, reading, or language arts, determined by the CSC under the participating school system's guidelines, was due to a processing deficit identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information. According to the participating school system's Special Education Procedural Guide the assessment data must address a disorder in (a) processing; (b) production of language; and/or (c) production of information; as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one tests with comparative strength; or (3) significant weakness identified in language processing with comparative strength identified (2005, p. 5-20). In response to the second research question, all 69 Eligibility Reports were examined and cognitive and language assessments were reviewed. Processing deficits were identified in 50 (72.46%) Eligibility Reports while the other 19 (27.53%) reports did not have an identified processing deficit. The information is listed in Table 4.

Table 4

Whether an Identified Processing Deficit was Identified in 69 Student Records

	N	%
Processing Deficit Identified	50	72.46
No Processing Deficit Identified	19	27.53

Research Question 3

When reviewing the information contained in the Eligibility Reports in relation to answering the first two of the four eligibility questions (Research Question 1 & 2), the Eligibility Reports were examined to determine if D-LI-SLD eligibility could be established according to the participating school system's criteria. After examination of the data, 40 (57.97%) of the 69 Eligibility Reports contained both academic achievement in math, reading, or language arts and a deficit identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information at the appropriate levels to meet eligibility under the participating school system's guidelines, refer to Table 5. Another 29 of the Eligibility Reports (42.02%) did not meet the duo criteria to be determined eligible and identified as having D-LI-SLD under the participating school system's guidelines. Further investigation of the data showed achievement was near or below the 10^{th} percentile for 10 (14.49%) of the reports but a processing deficit was not indicated. A processing deficit was evident on 10 (14.49%) Eligibility Reports but achievement near or below the 10^{th} percentile was not found. For 9 (13.04%) of the Eligibility Reports there was neither achievement near or below the 10^{th} percentile nor a processing deficit substantiated for eligibility under the participating school system's guidelines. The information is presented in Table 5.

Table 5

Number of Students Who Did or Did Not Meet Both Eligibility Criteria as Determined by Researcher across 69 Student Records

	N	%
Identified Academic Achievement With Processing	40	57.97
Identified Academic Achievement Without Processing	10	14.49
No Identified Academic Achievement With Processing	10	14.49
No Identified Academic Achievement Or Processing	9	13.04

Research Question 4

The fourth research question asked the degree to which various other sources of information were provided in the Eligibility Reports including information in Section III from parents/guardians and the student and information in Section IV from classroom teachers, specialists, medical personnel, or records. Of the 69 Eligibility Reports reviewed, 26 (37.68%) reports contained information in Section III from parents/guardians and the student while 43 (62.31%) reports did not contain any data; refer to Table 6.

Table 6

Whether Section III Information from Parents/Guardians and the Student was Entered in 69 Student Records

	N	%
Information entered	26	37.68
Information not entered	43	62.31

The second part of the fourth research question examined the information contained in Section IV of the Eligibility Report, which was whether information from classroom teachers, specialists, medical personnel, or records. Of the 69 Eligibility Reports reviewed, 27 (39.13%) had information from these sources entered on the report while 42 (60.86%) had no information from these sources entered in Section IV. These data are presented in Table 7.

Table 7

Whether Section IV Information from Classroom Teachers, Specialists, or Medical Personnel was Entered in 69 Student Records

	N	%
Information entered	27	39.13
Information not entered	42	60.86

Research Question 5

The fifth research question examined Section VI of the Eligibility Report that the CSC must complete to identify the area where the disability is having an "adverse impact" on the student's educational program. After reviewing all 69 Eligibility Reports, an educational area was indicated in 54 (78.25%) of the 69 Eligibility Reports. Social/emotional/adaptive behavior was noted for 2 (2.89%) of the Eligibility Reports. Communication was selected for 27 (39.13%) Eligibility Reports, while cognition was included for 7 (10.14%) Eligibility Reports. Physical/motor and physical/health was listed on 5 (7.24%) Eligibility Reports. No Eligibility Reports had transition/life skills/career selected. Almost a quarter of the Eligibility Reports (N = 16) had no areas

identified under the present level of functioning, achievement, and performance. These data are presented in Table 8.

Table 8

Section VI Identified Areas of Adverse Impact Found in 69 Student Records

	N	%
Educational	54	78.25
Social/emotional/adaptive behavior	2	2.89
Communication	27	39.13
Cognitive	7	10.14
Physical/motor and physical/health	5	7.24
Transition/life skills/career	0	0.00
No areas identified	16	23.18

When reviewing the areas of adverse impact identified in Section VI of the 69 Eligibility Reports under the present level of functioning, achievement, and performance, it was noted that 20 students (28.98%) had only one area listed, while 27 students (39.13%) had two areas identified on the Eligibility Report; refer to Table 9. Three areas were marked for four students (5.79%) while two students (2.89%) had four areas listed. Another 16 students (23.18%) had no areas of adverse impact listed in their Eligibility Report.

Table 9

Number of Areas of Adverse Impact Identified in 69 Student Records

	N	%
One area of adverse impact identified	20	29.98
Two areas of adverse impact identified	27	39.13
Three areas of adverse impact identified	4	05.79
Four areas of adverse impact identified	2	02.89
No area of adverse impact identified	16	23.18

Summary

There were five research questions that guided this study. When reviewing the results in relation to the first question, data supported the application of the participating school system's guideline for determining D-LI-SLD of academic achievement in math, reading, or language arts near or below the 10^{th} percentile. It was found that a majority (N = 50) of the 69 Eligibility Reports contained achievement scores that met this criterion for the participating school system's eligibility. When examining the data in relation to the second question, the data supported the application of the participating school system's guideline in terms of meeting the criterion of an identified processing deficit identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information. The same number of Eligibility Reports (N = 50) met this criterion, though not necessarily the same Eligibility Reports that met the criterion for Research Question 1. For Research Question 3, there were 40 Eligibility Reports containing data that supported both the first and second question and were found eligible.

Eligibility Records for 29 students did not contain both academic achievement in math, reading or language arts and processing deficits identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information for eligibility. Ten Eligibility Records contained academic achievement at the specified criteria but not an identified processing deficit, while ten other Eligibility Records contained an identified processing deficit but not academic achievement at the specified criteria. Nine Eligibility Reports had neither academic achievement nor processing identified. For Research Question 4, the data did not support the CSC inclusion of information in Sections III and IV. In reference to the first part of Research Question 4, results demonstrated most of the Eligibility Reports did not contain information from parents, guardians, or students. Section IV, information from other sources, was not completed for a similar number of Eligibility Reports. The data for Research Question 5 supported the CSC identifying needs in Section VI for most of the Eligibility Reports, but not all Eligibility Reports.

CHAPTER V

Discussion

The purpose of this study was to examine Eligibility Reports of students previously identified under category D-Learning Impaired-Specific Learning Disabilities (D-LI-SLD) in Region A of the participating school system (PSS) to determine if the guidelines for eligibility were applied consistently. First, a synopsis of the study is presented as well as a summary of results and the limitations of the study. This is followed by a discussion of the results, recommendations for future research, and proposed professional development. The design of the study was descriptive using a sample which consisted of 69 Eligibility Reports for students in grades three through five. All subjects were determined eligible for services under category D-LI-SLD according to the participating school system's eligibility criteria and received services during the 2009-2010 school year. Eligibility reports were obtained from the electronic special education database EXCENT ONLINE™. Examination of the Eligibility Reports was as follows: gender, age at time of evaluation, limited English proficiency, vision and hearing screening, and educational performance, Section I (tests/assessments administered), Section II (synthesis of test data), Section III (information from parents/guardians/students), Section IV (information from others), Section V (eligibility considerations), and Section VI (present level of functioning, achievement, and performance).

The Eligibility Reports of the participating subjects were examined in reference to the five research questions. After a review of the 69 Eligibility Reports, results showed 40 (57.97%) of the files contained the necessary information to determine a decision of

eligibility in compliance with the participating school system's Special Education Procedural Guide for academic achievement in math, reading, or language arts near or below the 10th percentile and an identified processing disorder. The remaining 29 (42.02%) were missing one, or both, of the factors (i.e., academic achievement and processing disorder) identified within the first two questions to be assigned a decision of eligibility.

Limitations of the Study

This study is limited by the low number of Eligibility Reports accessed. Of the potential pool of 351 participants, 106 parent permission forms were returned. The nine schools that notified the researcher that they declined to participate had 69 (19.65%) potential participants which impacted the overall return rate. Of the parent permission forms received, 17 were unusable as they did not fit the parameters of the study for grade or category of eligibility. Also, some Eligibility Reports (N = 20) were not located for consideration for the study within EXCENT ONLINE™ data base which impacted the number of files reviewed. Thus only 69 (19.65%) Eligibility Reports were obtained for examination. Further, the study was limited to students in grades three through five who were already identified for services. The findings from the record review are limited and could be biased depending on the assessors and how much information was included in the Eligibility Reports. Finally, the study was limited by the reliability of the EXCENT ONLINE™ special education computer program. Results were obtained through a review of existing Eligibility Reports that were sometimes missing details or assessment information that would be important for the determination of eligibility. Generalization

will be limited to school districts with demographic characteristics that are similar to the participating school system.

Discussion of Results

Based on findings of this study, results illustrated that issues remain concerning strict adherence to the participating school system's Special Education Procedural Guide. These will be discussed in relation to the five research questions.

Research Question 1

Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system specify whether academic achievement scores in math, reading, or language arts were near or below the 10^{th} percentile or at or near the 35^{th} percentile for students whose mental ability was one and a half or more standard deviations above the mean?

According to the PSS Special Education Procedural Guide this first question must be answered yes before the CSC can move to answering the next three questions for eligibility determination. All of the Eligibility Reports in the study should have had the 10^{th} percentile clearly indicated in Section II or substantiated in Sections III or IV. The results of the study showed that only 72% of the Eligibility Reports had clearly indicated and/or substantiated the 10^{th} percentile for eligibility. The documentation of the 10^{th} percentile for achievement results was vague, at best, in many of the Eligibility Reports. The CSCs appeared to be overlooking this first question in several cases which left the eligibility determination questionable and unclear. This could be attributed to several factors such as the language utilized, the range of acceptable confidence intervals, and the interpretation of achievement results. Sometimes previous special education services

were weighted heavily in the eligibility decision though it is not a criterion for PSS eligibility. Anecdotal data were not utilized to demonstrate the need for services as well as to add insight into the how the student functions within the general education setting.

Overall results indicated that 50 (72.46%) of the Eligibility Reports met the criteria of academic achievement in math, reading, or language arts near or below the 10th percentile though the information was not readily located. Many Eligibility Reports gave ranges (low average) or standard scores (SS = 90) rather than where the student was functioning in terms of a percentile. The data presented in relation to standard score, skill levels, or Relative Proficiency Indices (RPI) would not clearly indicate to parents and/or general education teachers how the information answered the question. Frequently assessors discuss the assessment results in 'educational talk' rather than clearly understood information. Educational talk can leave parents and/or general education teachers at a loss as to the meaning of the results and the impact on the student who was assessed. This puts the parents and even some general education teachers at a loss for what is being stated about the student.

The participating school system's Special Education Procedural Guide stipulated that the 10th percentile was meant to be an objective guideline (2005, p. D-13) for determining eligibility for category D-LI-SLD. In the Special Education Procedural Guide, clarification of near or below the 10th percentile is discussed through the use of the standard error of measure (SEM) of the assessment tool. The available direction is to subtract the SEM from the standard score and convert the resulting standard score to a percentile (2005, p. D-3). Guidance further specified that the farther away from the 10th percentile, the "stronger the rationale must be in order to support with confidence the

existence of a deficit" (2005, p. D-3). In 19 Eligibility Reports, academic achievement cluster scores in math, reading, or language arts were higher than the 10th percentile even with the SEM for math, reading, and/or written language taken into account. Documentation related to using these higher scores was not present in the Eligibility Reports.

Further perusal of the Eligibility Reports demonstrated that seven students had previous special education intervention, though not under the category of D-LI-SLD. There were also six Eligibility Reports that identified the student as having the diagnosis of ADHD. Either of these situations may have influenced the CSC to look at the assessment data in a different light. The present level of education performance for four students listed an individual test score rather than a cluster score to substantiate eligibility. Only four of the 19 Eligibility Reports that did not qualify a student for eligibility under academic achievement in math, reading, or language arts near or below the 10th percentile had an educational performance completed.

Research Question 2

Did the Eligibility Reports of students identified under D-LI-SLD contain evidence indicating a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; and/or (3) significant weakness identified in language processing with comparative strength identified, in accordance with established criteria in the participating school system?

Results of this question are tied to the second question that a CSC must answer yes to when special education eligibility under category D-LD-SLD is established. The results of the study found only 72% of the Eligibility Reports contained adequate information in relation to processing. Documentation of the processing deficits was often indistinguishable and/or not evident among the synthesis of information that PSS uses for eligibility. Some CSCs did not demonstrate a clear understanding of how to answer this question as there were a multitude of options that could be utilized. The options included a disorder in (a) processing; (b) production of language; and/or (c) production of information as measured by (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified; and/or (3) significant weakness identified in language processing with comparative strength identified. Data suggest the eligibility decisions sometimes appear to have been influenced by the people at the table rather than the guidance that is presented in the Special Education Procedural Guide. Oftentimes teachers may have acquiesced to the assessors and/or the LI teacher as the general education teacher seemed to have little input. Similar to the results of question I, the CSCs are not justifying the decision made in Sections III or IV of the eligibility report when it is unclear in Section II. This lack of clarity could be attributed to difficulty understanding what the Standard Deviation (SD) is, the use of appropriate tools, and methods to substantiate the SD.

The identification of a SLD to verify a processing deficit was infrequently used. Many results were listed in percentile or with ranges rather than standard score. To establish a processing deficit, the CSC must identify (1) significant differences among scaled or standard scores; (2) significant weaknesses across sub-tests or clusters of more

than one test with comparative strength identified; and/or (3) significant weakness identified in language processing with comparative strength identified. Lacking this information affects a parent and/or general education teacher's ability to understand how the child met eligibility for services. More evidence in the Eligibility Reports on where the child was currently functioning in terms of academic achievement in math, reading, or language arts and what processing deficit was identified is necessary.

Students' deficits for 18 of the Eligibility Reports were identified based on results from the administration of the Woodcock-Johnson III Tests of Cognitive Abilities (Riverside Publishing Company, 2001) under the cluster areas of processing speed, retrieval fluency, and comprehension-knowledge. The participating school system's Special Education Procedural Guide specifically states the use of these cluster areas is to be augmented and substantiated through observation and review of classroom functioning (2005, p. 5-21), however this information was found in only a few files.

When using processing speed, the participating school system's Special Education Procedural Guide suggests the deficit may be seen in a student's processing of arithmetic problems or lack of reading fluency (2005, p. 5-21). It further cautions that due to other factors, such as poor attention, the examiner needs to supplement the assessment's results with additional formal or informal assessment (2005, p. 5-21). Information that directly relates to how a child functions in reference to arithmetic or reading fluency was not present in any of the ten Eligibility Reports with this cluster identified as a deficit.

Fluid reasoning is another area the Special Education Procedural Guide states should be "substantiated through observation and review of classroom functioning" (2005, p. 5-21) in order to identify it as an area of deficit. The guide suggests that a fluid

reasoning deficit is usually directly linked to reading comprehension and math problem solving (2005, p. 5-21) and should be noted through informal assessment, observation, and review of records (2005, p. 5-21). Of the four Eligibility Reports that identified a deficit under the cluster of fluid reasoning, only one Eligibility Report contained information that demonstrated the CSC had data to substantiate the use of fluid reasoning as an area of deficit for the student.

When using the cluster score of comprehension/knowledge to identify a deficit, the guide recommends that another assessment be administered to substantiate the deficit. A student who is weak in the skills under the comprehension/knowledge cluster, which is an indicator of language proficiency, may have a language processing disorder. This may be further evidenced by a limited vocabulary, weak long-term memory skills, and narrow background knowledge skills. The guide states that as only two subtests are given under this cluster it provides a limited view of language processing (2005, p. 5-21) and another instrument should be administered for substantiation of the deficit. Of the four Eligibility Reports that used comprehension/knowledge cluster to demonstrate a deficit, only two substantiated it with another instrument.

The Special Education Procedural Guide further states an "examiner's expertise in the area of assessment and/attention to administration standards" (2005, p. 5-21) is essential when analyzing results for processing speed and fluid reasoning. The guide repeats the theme that results need corroboration from observation and a review of classroom functioning in order to be sure of the impact. However, of the 17 observations conducted in 18 of the Eligibility Reports using one of the three areas above, classroom

functioning was only addressed for seven of them. Observations completed on the other 11 attended more to the student's behavior than the student's classroom functioning.

It was also noted that nine of the Eligibility Reports clearly stated there was not a deficit identified as a disorder in (a) processing; (b) production of language; and/or (c) production of information found in the test results yet the students were still identified under category D-LI-SLD. When looking at the Eligibility Reports, seven of the students without an identified processing deficit had previously been in special education services. It is stated in the Special Education Procedural Guide that a student who undergoes a triennial evaluation, without a change in category of eligibility, is not required to demonstrate the same levels as an initial eligibility (2005, p. 5-27). The seven students in this case were changing categories or were undergoing an initial evaluation, thus it was necessary for them to meet the eligibility criteria.

Research Question 3

Did the Eligibility Reports of students identified under D-LI-SLD in the participating school system contain academic achievement in math, reading, or language arts at the specified level (Research Question 1) and identify a processing disorder (Research Question 2) in accordance with the established criteria as identified by the participating school system?

The results from question 3 demonstrated that the CSCs at the local level need more assistance with being able to verify that a learning disability exists. Results of the study indicated only 58% of the Eligibility Reports had met the necessary criteria for eligibility in relation to academic achievement and a processing deficit. The documentation of the 10th percentile as well as a processing deficit were often enmeshed within each other in the

Eligibility Report. Locating the information within the Eligibility Report to substantiate eligibility for services was difficult at best for the interraters. Substantiation of the SD often utilized additional resources and guidance for interpretation of test results to verify if the information presented demonstrated adequate documentation for eligibility determination. Schools need to write clear Eligibility Reports in order for another person to read the report and arrive at the same conclusion based on the presented evidence. Factors that may have influenced the results of the CSC determination could have been information related to educational performance, assessments strengths and weaknesses, instruments utilized, the identification of slow learners, the category of eligibility, as well as other factors.

Educational performance. The participating school system's Special Education Procedural Guide stated educational performance is used in all of the definitions for eligibility which stressed the importance of this information (2005, p. 5-5). The guide further stated categories "may or may not require academic achievement testing as noted within each category" (2005, p. 5-5) and declared "collected evidence from classroom performance can verify the presence of a specific learning disability and substantiate adversely affected educational performance" (2005, p. D-5). The guide further said this evidence can be gathered through observed behaviors and work habits, collected work samples, and targeted teaching tasks that focus on the student's level of performance. However, in many of the reports, the CSCs did not address educational performance. Many times the Eligibility Report only contained information and data related to the academic achievement of a student based on a standardized score or range alone. The use of information related to the educational performance of the student in the general

education classroom would provide support for the committee's decision. The information presented in a number of the Eligibility Reports was focused on the student's behaviors rather than work habits or targeted teaching tasks. A minimal number of Eligibility Reports identified interventions or strategies which had been attempted prior to the referral of the student. Moreover, evidence of research based practices was not included in a majority of the Eligibility Reports.

The lack of educational performance information found in many of the Eligibility Reports may be attributed to the EXCENT ONLINE™ program. When the CSC accepts a referral and develops an assessment plan in EXCENT ONLINE™, the parent permission for evaluation lists the educational performance and academic achievement as two separate assessments to be completed. The CSC identifies who is responsible for completing which portion of the multidisciplinary assessment in the assessment planning meeting. Once permission for evaluation is signed, a memo to the designated assessor is generated from EXCENT ONLINE™. The memo is addressed to the individual assessor and lists the broad category of assessment necessary for completion. If the same assessor is identified to conduct both the educational performance and the academic achievement, the memo to the assessor lists "academic achievement/educational performance". This often permits CSCs to only focus on the academic achievement in math, reading, or language arts, overlooking the valuable potential information that educational performance can provide when determining how a student functions in the general education classroom.

Assessment of strengths and weaknesses. According to the Special Education Procedural Guide, a committee is to identify both a student's strengths and weaknesses

through assessment. The participating school system's Special Education Procedural Guide states comparative strengths can be identified and documented through performance-based assessment (2005, p. D-7). When reviewing the Eligibility Reports it was noted that only 20 contained any performance-based assessments utilized as part of the evaluation. Many of the Eligibility Reports contained information related to the student's weaknesses, but only 18 (26.08%) of the Eligibility Reports identified a student's strengths.

Other factors. There were other factors that may have affected a student's performance in the classroom that were mentioned, but not explored within the content of the Eligibility Reports. These factors included absences, retention in grade, and any additional services a student may have received such as Language and Reading Services (LARS) or READ 180. When the Eligibility Reports were reviewed, it was noted that 15 (21.73%) of the students had experienced a retention during their educational career. It was further found that 11 (15.94%) of the Eligibility Reports listed supplemental services for the students. These included such programs as Reading Recovery, READ 180, and LARS.

Some Eligibility Reports listed the student had been evaluated for Attention Disorder Hyperactivity Disorder (ADHD) with little explanation of the results of this evaluation. Several of the Eligibility Reports used terminology such as "impulsive, distractible, and inattentive" which are characterized as "interfering behaviors" (2005, p. D-5) for the cognitive processes being evaluated. Besides the behaviors noted within the Eligibility Reports, 19 (27.43%) of the students were diagnosed with ADHD. The Eligibility Reports for these students presented no information as to how the CSC

determined the handicapping condition was D-LI-SLD rather than category A-Other Health Impaired (A-OHI).

Information gleaned from the Eligibility Reports on background information indicated some students had Terra Nova scores considerably above the 25th percentile. It is stated in the participating school system's Special Education Procedural Guide that student performance on such a system-wide assessment should be in the lowest quartile before referral (2005, p. 3-3). This is another area where substantiation of why the CSC moved forward is warranted. It was also noted in the reports that some students referred for evaluation received grades of A's and B's in all of their classes. In only two Eligibility Reports was there an explanation as to the strategies, interventions, modifications, or accommodations that assisted the student with achieving that level of success in the general education classroom.

Also according to the guide, any observations completed should directly relate to the difficulties a student is displaying and support the areas of deficiency skills. The observation documents the link between the suspected disability and the area of education impacted. It was noted that sometimes a student who was referred for difficulty in written language was observed in a math or science class. It was not always clear how an observation was relevant to how the student was performing in written language.

Assessment instruments. A review of the data concerning the assessment tools utilized by the different assessors demonstrated little variation. Instruments used are "to be comprehensive, reliable, and valid for the purpose" as well as "appropriate for the age group being assessed" according to the participating school system's Special Education Procedural Guide (2005, p. D-3). The participating school system's Special Education

Procedural Guide continues that the "instrument selected need to address the referral concerns and strategically match the student's characteristics" (2005, p. D-3). It further explains the specific tool utilized should be based on information presented during the pre-referral process. The instrument should be able to "focus on the suspected disability" (2005, p. D-8) while identifying the student's strengths.

Large scale professional development for special educators was conducted by the participating school system over the last few years. The focus of this professional development was on use of various instruments to assess students with disabilities. For the special education teacher and assessor the instrument that was the focus of the professional development was the Woodcock-Johnson III Tests of Achievement and Tests of Cognitive Abilities (Riverside Publishing Company, 2001). Of the 80 academic assessments that were recorded as having been conducted in the 69 reports reviewed, 53.62% (N = 46) of the assessments were conducted using the Woodcock-Johnson III Tests of Achievement. This instrument was the sole tool used in 37 of the Eligibility Reports. To identify a processing deficit, exclusive of a language assessment, there were 85 assessments conducted for the 69 students. The Woodcock-Johnson III Tests of Cognitive Abilities was used for more than 60% (N = 53) of the assessments conducted. It was the sole instrument utilized in 40 (57.97%) of the assessments.

Speech and language pathologists received training in the use of the Clinical Evaluation of Language Fundamentals IV (CELF IV, PschyCorp, 2003) and the Comprehensive Test of Phonological Processing (CTOPP, Pro-Ed, 1999). There were 60 assessments administered in relation to students' language skills. Almost 40% (N = 23) of the language assessments were conducted utilizing the CELF IV while the CTOPP was

used for nine additional assessments. One of these instruments was the sole tool used in 14 (23.33%) of the assessments.

Identification of slow learners. A number of the Eligibility Reports reviewed contained information that would identify a student as a "slow learner". According to the Special Education Procedural Guide, these students "exhibit low levels of academic achievement and their ability usually falls within the low-average range" (2006, p. 5-19). Kavale and Forness (1998) reported the most problematic portion of the school population were slow learners. They further explained the category of Specific Learning Disabilities (SLD) has a significant portion of students who are low achievers and do not fit the definition of SLD. The participating school system's Special Education Procedural Guide describes this "slow learner" as one who has academic achievement that is commensurate with measured cognitive ability. The Spotlight on Special Education lists the student with the profile of a slow learner as most likely requiring modifications, but belongs in the general education classroom (2004, Issue 30, p. 5). The Special Education Procedural Guide further states these students do not meet eligibility requirements of a specific learning disability (2005, p. 5-19) and "are excellent candidates for differentiated instruction provided by general education teachers" (2005, p. 5-19).

A student's extended General Intellectual Ability (GIA ext.) from the Woodcock-Johnson III Tests of Cognitive Abilities is often utilized as a measure of intellectual ability. When the results are in the low range (i.e., low 80s or mid to high 70s) with no significant differences between the child's cluster scores according to the Special Education Procedural Guide (2005, p. 5-19) it could identify a student as a 'slow learner'.

A review of the Eligibility Reports located 13 Eligibility Reports that listed an extended GIA between 75–84. Academic assessments for 12 (17.39%) students were all below the 13th percentile for the three core areas of math, reading, and language arts while the other one was below the 16th percentile. Even with scores in the low range for 13 (18.84%) of the files, the CSC determined the child to be eligible for services under the category of D-LI-SLD. It was further seen that only six of the Eligibility Reports with extended GIA in this range had educational performance included that could assist with the determination.

Another five Eligibility Reports listed the students GIA below the above mentioned range. These students had extended GIAs as low as 60 and academic assessments for the three core areas essentially flat. None of these five Eligibility Reports contained an educational performance as the academic scores were commensurate with estimated general intellectual ability. The decision to qualify one of these students under D-LI-SLD may have been reflective of the other services that were, or were not, available to meet the student's needs though it was not stipulated within the Eligibility Report.

Category of eligibility. According to the Spotlight on Special Education (2002, Issue 10, p. 2), the CSC should identify only one category of eligibility. This was decreed when the participating school system moved from its previous computer program to the current program, EXCENT ONLINE™, as it could only accept one disability condition. Prior to the move to EXCENT ONLINE™ guidance had been to answer questions for each category under which a child had been assessed and then identify a primary handicapping condition. Current practice for the CSC is to only answer the eligibility questions under one category to determine eligibility and the need for services.

During the discussion of results and pertinent information with all stakeholders, a clear understanding of how the student functions should be determined. Even if the CSC developed an assessment plan for two or more categories, the CSC is to determine the most appropriate category which is to be the child's primary disabling condition. However, almost a third of (N = 22) the Eligibility Reports reviewed identified more than one area of disability when answering the questions under Section V.

Research Question 4

Did the CSC include information related to student performance or test results from parents, guardians, students, and/or other professionals in the Eligibility Report for identified students under the category D-LI-SLD?

Section III of the Eligibility Report should include information from parents, guardians, and/or students while Section IV should include information from the general education and other professionals. The results of the study demonstrated that information was garnered and reported in only 38% of the Eligibility Reports for Section III. The results were similar in relation to Section IV where only 39% of the Eligibility Reports contained information. The results of the information garnered in Section III and IV was limited and frequently inconsequential in terms of the eligibility determination. A discussion of the quality of information supported the findings of the study.

Quality of information. When the Eligibility Reports were examined for evidence that would support educational performance in Sections III and IV, the researcher reviewed the individual reports that were identified as containing some information instead of no information. When the sections were perused the first time, identification was made if information was inputted or not, and no judgment was made

on the quality of the information that was available. Upon a second closer examination of the data it was found only nine of the Eligibility Reports had information in Section III directly related to the evaluation. The others had limited information such as "see CSC minutes" or "parent shared progress". Information in Section IV was similar with 11 of the Eligibility Reports noted to contain information that would have impacted a CSC's decision. The others contained limited information that was similar to comments in Section III.

Supplemental support for the eligibility decision made should be listed under Sections III and IV of the Eligibility Report. During the eligibility meeting, information presented from parents, general and special education teachers, and others may be different from what the assessment results demonstrated. The Special Education Procedural Guide states that parents can provide information that can "validate and supplement assessment data obtained through formal evaluation measures" (2005, p. D-5). During the eligibility meeting it is assumed the assessment results would initiate a dialogue between committee members that would be relevant. This information needs to become part of the Eligibility Report to substantiate the decision the CSC arrived at for that student.

Research Question 5

Did the CSC include the educational area(s) affected by the student's disability in the present level of functioning, achievement, and performance section of the Eligibility Report for identified students under the category D-LI-SLD?

As part of the Eligibility Report, the Special Education Procedural Guide states the CSC must identify an educational area in Section VI that was "adversely impacted"

by the student's disability (2005, p. 5-4). The results of the study demonstrated that 78% of the Eligibility Reports had an educational area that was adversely impacted. When the 69 Eligibility Reports in the study were reviewed it was noted that 16 of the Eligibility Reports did not have any educational areas of adverse impact indicated. The area(s) that the CSC identified are utilized to form the foundation for instruction under IDEA (2005, p. 5-4).

The participating school system's Special Education Procedural Guide stated the present level of performance is to be completed during the eligibility meeting (2005, p. 5-4). A present level of performance for each area is to be identified by the CSC and indicated in the Eligibility Report under Section VI. Described as a statement of the students' strengths and weaknesses, the present level of performance is drawn from the synthesis of data (2005, p. 5-4). When looking at the Eligibility Reports, 26 (37.68%) of the Eligibility Reports identified present levels of functioning that matched the academic achievement areas in math, reading, or language arts that were near or below the 10^{th} percentile on the assessments completed. Another Eligibility Report had scores above the 10^{th} percentile but there was additional information that substantiated the identification of the areas under Section VI. There were 13 (18.84%) Eligibility Reports where one or two areas were identified near or below the 10^{th} percentile but a present level of performance was identified for three areas in Section VI. It was noted that 30 (43.47%) of the Eligibility Reports had three areas (reading, math, and written language) identified in Section VI. There were 12 Eligibility Reports where the three areas were identified as near or below the 10^{th} percentile and in Section VI. The extended GIA for

nine of these students was 85 or below, an additional two were not reported. These students had questionable eligibility in relation to guidance concerning slow learners.

When reviewing the overall information, it was found the Eligibility Reports contained the information to establish eligibility for only 40 of the 69 files. These results show that only 58% of the Eligibility Reports contained the necessary information to answer the first two questions for eligibility determination. The sample of Eligibility Reports from all districts in Region A appeared to show inconsistency and incongruent practices in eligibility determination by local CSCs. Upon examination of the Eligibility Reports it is clear to the examiner that the information located in the different sections of the Eligibility Report needs to be more harmonious and comprehensive. The information contained in the Eligibility Reports was not readily found in Section II but was sometimes located in other sections of the Eligibility Report. The PSS Special Education Procedural Guide clearly defines the criteria for eligibility, yet the CSC personnel may be influenced by other factors in determining eligibility. These findings will be discussed in implications for research and practice.

Implications for Research and Practice

The findings of this study strongly suggest that further investigations to determine if the documentation provided in the Eligibility Reports needs additional substantiation as well as if better monitoring of these reports needs to be completed. Some of the test synthesis presented limited insight into the overall functioning of the student. Eligibility reports are expected to contain all of the information required by the participating school system's policies and procedures. It would be to the parent's and child's advantage to receive an Eligibility Report that clearly outlines the reason the CSC made the

determination for special education eligibility. At the CSC meeting, the committee must answer yes to each question stated as an eligibility consideration in order for the student to meet eligibility guidelines so the assumption is made that information related to each question was discussed. When a third of the students in the participating school system transition to another school during a single school year, it is very important to have clear documentation of a student's eligibility for services as well as information that can inform instruction.

Another area to be further investigated is in response to the fourth question that was asked in this study. The question in relation to Sections III and IV was only if information had been included or not. The question did not address the quality of the information that was provided in the Sections. It was noted when reviewing Sections III and IV an additional time that some contained valuable information while others did not. Several of the Eligibility Reports simply stated "see CSC minutes" or "parent discussed progress" rather than actual information to assist with the eligibility determination and programming. It may be that the person recording comments at the eligibility meeting is unsure of what information is pertinent and should be included so defers not to include much data. Examples of the type of information that would be appropriate and informative in Section III and IV might be formulated.

Additional research could be done to determine if the areas, needs, and present level of performance as presented in the report truly form the basis of the Individualized Education Program (IEP). Information can easily be transferred from the eligibility section in EXCENT ONLINE™ to the IEP portion of the program. The IEP is then developed using the bank of goals and objectives in the program. Research could

evaluate if the CSCs are using the same information that was specified in the eligibility section when the IEP is created.

Though little information was available for the referral portion of the process, several of the files contained enough information to lead the researcher to believe that the referral of the student for assessment under D-LI-SLD was based on very minimal criteria. Research could focus on obtaining best practices currently being used in the participating school system's schools and disseminated to other schools.

A final area where further information needs to be gathered is in relation to the 'slow learner'. There were several reports that presented assessment results that had a flat profile with no significant differences in relation to strengths or weaknesses and academic achievement in math, reading, or language arts well below the 10^{th} percentile. These students had been identified under category D-LI-SLD but should not have been in accordance with the guidance for 'slow learners'. Further research could determine why these students were identified and if the lack of options for services influenced the decision. There are a variety of services available in Region A schools for students who need more intervention. Different schools have different services such as the Scholastic READ 180 program, Reading Recovery, and Language and Reading Support (LARS). Other schools have qualified for Compensatory Education due to the results of their system-wide assessments. Some schools have initiated other services in their own schools in response to school improvement goals such as math coaches. However, some of these programs have restrictions on which students can be served. For example, READ 180 is only for fourth grade and up while Reading Recovery is only for first graders. Both programs have size restrictions that limit the number of students who are able to be

enrolled in the programs and are time intensive interventions. The need to determine appropriate programming for the student who has the characteristics of a 'slow learner' needs to become more relevant to the CSCs.

Professional Development

Professional development is essential to address the needs of three different stakeholders which include the general education staff, the special education staff, and administrators. Professional development needs to be conducted in both large group and smaller, school based settings. It needs to be addressed in both an ongoing basis for eligibility or prereferal as well as in response to single issues such as assessment tools.

General education staff. Knotek (2003) noted the general education teacher is the basis of the referral process and clearly indicates the next steps in a student's educational career as soon as the decision to refer is made. Faced with dwindling resources and restrictions on the educational programs that are available (e.g., Read 180 limited to 15 students per year in fourth grade and above), it is imperative that school personnel have the skills to implement data-driven interventions. These interventions are designed to be both measureable and observable. Progress also is measured at designated intervals.

Individual pedagogy drives the choices of intervention that are implemented by a teacher. The general education teacher needs to feel comfortable making adjustments to the present intervention or adding additional interventions when measurable growth is not seen over a period of time. The professional development process for the prereferal interventions includes comprehensive and progress monitoring that could assist with referral information centered on research based data. This also could include appropriate

problem solving that involves CBM/CBA and progress monitoring of interventions for special education. Teachers need training in curriculum based measurement (CBM) and progress monitoring. A distinction between accommodations, interventions, and modifications needs to be clarified for the general education teacher and other professionals. Many times the terms are used interchangeably though they fill three distinct roles in a student's program.

General educators and other professionals who articulate the targeted difficulty should state the problem rather than describe the more general behaviors that are seen. Behaviors are often described, perhaps because they are more pronounced, not the specific educational areas. Teachers need to learn how to target the skill that is the problem rather than describe more general behaviors. This permits an opportunity to provide an opportunity to design specific and appropriate intervention.

Special education professionals. Professional development could assist CSCs who are making eligibility decisions based on educational sound practices and a clear and complete understanding of the underpinnings of the test results, interventions, and progress monitoring. Best practices need to be more prominent until policies dictate a different or better way to develop more comprehensive reports. Currently personnel new to the system receive a one-day inservice that covers the Special Education Procedural Guide and paperwork that must be completed in terms of compliance. The district liaison visits the schools on an as-needed basis to address situations that arise or to answer questions. This often leaves the personnel making many decisions in a vacuum. It should be noted that the practices of some liaisons may vary according to the needs expressed by the school or the school's administration and could provide more assistance

to new and returning personnel rather than the experience of the researcher. Continuing professional development within a district permits educators to share ideas and answer questions about policy on an ongoing basis.

Professional development regarding the administration and interpretation of the assessment instruments would assist in ensuring an overall comprehensive assessment of a student. For example, the participating school system's Special Education Procedural Guide cites the need for careful use of certain clusters scores on the Woodcock-Johnson III Tests of Cognitive Abilities. These cluster scores were used by assessors without a substantiation of how the test was administered in the Eligibility Reports reviewed in this study. After learning how to administer the various assessments, assessors are supposed to complete a number of practice assessments prior to assessing students for eligibility. This practice has not been monitored nor have new assessors been mandated to do the practice assessments. This leaves the validity of some of the results in question.

Further professional development is needed in how to statistically and theoretically interpret and understand test data as well as to understand the underpinnings of the test development. Several Eligibility Reports used the terms percent, percentage, and percentiles interchangeably. Frequently, only a range of test scores was reported and not actual scores. In addition to compliance in standardized procedures in test administration, there needs to be an understanding of the nuances of the assessment instrument. The use of basic statistics and the ability to convey the information in clear, succinct, and user friendly terms is essential for comprehensive understanding of all stakeholders. This was also seen when reports discussed scaled scores and standard scores without an understanding expressed to delineate the two. Without a clear

understanding and interpretation of what a test score means, it is difficult to relate the information to parents and other committee members to help make their informed decision. The use of a psychometric conversion table also could assist committee members to correlate test data to each other. A Cross Battery Comparison Table of congruent assessments also could assist an assessor with additional instruments that could substantiate results of a related previously conducted assessment.

Many of the Eligibility Reports indicated only one test was used to assess a given area. There were no additional assessments reported that would reinforce the results found. It is specifically noted in the Special Education Procedural Guide that single tests are not to be utilized to substantiate an area of deficit. For instance, spelling, which is designated in the participating school system's Special Education Procedural Guide as not to be used as 'stand alone' evidence of adversely affected educational performance (2005, p. D-6), was identified in five Eligibility Reports as the area of educational concern. Spelling is a necessary skill for written expression and further substantiation of whether there is an educational deficit in language arts is required according to the Special Education Procedural Guide (2005, p. D-6).

The process of completing the Eligibility Report seems to continue to perplex many CSC members as evidenced by the results of this study. Across the Eligibility Reports, the necessary components were frequently not included even though stipulated in the Special Education Procedural Guide (2005, pp. 5-2, 3, 4, & 5) as required. Only five (7.24%) Eligibility Reports contained all of the necessary elements. Most Eligibility Reports contained information for LEP (92.75%), vision and hearing clearance (95.62%), and reports of processing disorders in Section II (91.30%). The listing of the assessments

conducted (86.95%), reports of academic achievement in math, reading, or language arts (82.60%), a processing deficit identified (82.60%), and reports of the record review (81.15%) were less frequently found. An observation was reported 79.40% of the time, while the social/family/medical history was reported 76.81% of the time. All of these components are necessary for in all of the Eligibility Reports. A systematic format for completing the Eligibility Report could be adopted that would remove some of the variance that was found in the 69 Eligibility Reports.

Administration/PSS. Administrators are tasked with creating a school environment where the expectation is for all students to be successful**.** The role of the administrator as the educational leader of a school in the special education process is key to the success of the program for students with special needs. The administrator serves as the chairperson of the CSC and has primary responsibility for the ability of the program to function effectively. A working knowledge of the process in its entirety as well as a clear understanding of how the assessment results meet the criteria to determine eligibility for the different categories of eligibility under the Special Education Procedural Guide is essential. Support for the educators in the building as differentiating instruction and specific interventions are implemented is a cornerstone for meeting the needs of diverse learners.

Summer training opportunities offered by the PSS in the last few years have been limited and focused on grading the alternative assessments for students who are identified under categories of low incidence disabilities. Though funding has shrunk within all school systems, it is paramount that special educators have access to training opportunities to become stronger in their chosen profession. As the field of SLD has

evolved, there are new strategies and programs to address the specific needs of the students as well as rejuvenating activities for the educator.

Another option that had been used in the past was the 'Spotlight on Special Education". It was a monthly publication that came from Region A's office which covered many facets of the special education process. It presented articles of interest, discussed best practices, and reminders of what guidance to use. Providers across Region A were given answers to a wide range of questions and examples of procedures that worked in other schools. This publication was a tool that permitted communication and provided a reference across Region A.

Changes in technology and structure of the eligibility process can lag behind in the PSS compared to stateside schools. The system needs to be aligned with best practices of the century with an emphasis on research based, data-driven programs. Instruction in the use of the EXCENT ONLINE^{R} program may need to be reviewed in light of the missing Eligibility Reports to determine if the problem is attributed to the program itself or data input entry error. Further staff development may be necessary to ensure that all documentation is entered and maintained correctly so the data can be accessed by school personnel in a student's new school. It is a challenge due to the logistics of the larger demographic area the PSS encompasses. Online professional development is limited in value as the interaction between educators, which can generate solutions and ideas, is missing.

Conclusion

The results of this study showed that 40 of the 69 (58%) Eligibility Reports contained sufficient information, though not easily accessed in all cases, to identify the

student under category D-LI-SLD within the procedural guidelines. Thus 42% of the Eligibility Reports did not contain information to substantiate eligibility or to meet established criteria for eligibility. A blurring of the line between the child with a specific learning disability who needs accommodations and modifications for success and a child who may be more successful with accommodations has permitted students to be labeled without meeting established criteria. The line is further smudged by well meaning personnel who are influenced by the members or the committee or the desire to help a student who is struggling to succeed.

Within the PSS where only 58% of the Eligibility Reports contained information that met the established criteria for category D-LI-SLD, yet the CSCs had identified 100% of the students under category D-LI-SLD, there should be concern that the established criteria was not always clearly stated within the Eligibility Reports. Sometimes the Eligibility Reports did not contain sufficient information to substantiate the eligibility decision a CSC made or to help fully guide IEP development in many cases. These Eligibility Reports are extremely important to students and parents as they should explain the basis for the decision that was made and contain a comprehensive picture of how the child is functioning. Parents can only advocate for their child if they have an understanding of the specific deficits their child needs to remediate. For the general education or special education teacher, the Eligibility Report encapsulated the information they need in order to work with the child on the process towards educational success.

Whereas the Eligibility Reports are crucial, it is important the system develop methods to ensure the format for completing the Eligibility Report is followed

consistently and the report is comprehensive. Ongoing professional development in preparation of Eligibility Reports may allow for the removal of the variances documented in this study. Since the Eligibility Report drives the data base for individual educational planning, ongoing professional development for all stakeholders is imperative to ensure the use of professional best practices in determining educational programming for each student.

Appendix A

Eligibility Report

School
Location

Student: Grade: Date of Meeting

TEST SYNTHESIS INFORMATION

Does the student have Limited English Proficiency? Yes No
Vision Screening: Passed Not Passed Date:
Hearing Screening: Passed Not Passed Date:

I. TESTS/ASSESSMENTS ADMINISTERED Completion Date:

II. SYNTHESIS OF TEST DATA (*supporting evidence of disability and impact on educational performance*)

III. INFORMATION FROM PARENTS/GUARDIANS/STUDENTS

IV. INFORMATION FROM OTHER SOURCES (*Classroom Teacher/Medical/Records*)

V. ELIGIBLITY CONSIDERATIONS

Each question stated as an eligibility consideration must be answered YES by the CSC in order for the student to meet eligibility requirements for the primary disability criterion. Circle the appropriate response.

CRITERION A – PHYSICAL IMPAIRMENT

1. **Does the child have a physical impairment (visual, hearing, orthopedic, other health impairment?**
2. **Does the child require environmental and/or academic modifications?**
3. **Without environmental or academic modifications, will the impairment adversely affect the child's educational performance?**

CRITERION B – EMOTIONAL IMPAIRMENT

1. **Does the student have a confirmed emotional condition?**
2. **Does the condition cause one or more of the following characteristics:**
   a) **An inability to learn that cannot be explained by intellectual, sensory, or health factors?** (The student is so emotionally disturbed that s/he cannot learn.)
   b) **An inability to build or maintain satisfactory interpersonal relationships with peers and teachers?** (The student is so emotionally disturbed that s/he cannot enter into relationships.)

c) **Inappropriate types of behavior under normal circumstances?** (Student's behavior is maladaptive.)
d) **A tendency to develop physical symptoms or fears associated with personal or school problems?** (Student's physical symptoms or fears are the result of a severe mental disorder.)
e) **A general pervasive mood of unhappiness or depression**?

CRITERION C – COMMUNICATION IMPAIRMENT

1. **Does the child have a communication disorder in one or more of the following areas?**
   1) **Voice Disorder**-presence of a disorder of pitch, intensity, intonation, respiration, resonation, and/or quality which is inappropriate for chronological age or gender.
   2) **Fluency Disorder**-occurs at a rate of 3 or more abnormal non-fluencies per minute or is greater than 10% non-fluencies in a language sample of 100 words.
   3) **Articulation Disorder**-production is not commensurate with developmental age norms. Measured by either a standard score of 80 or 8 to 10%ile on a test of articulation, an error rate of 25% or greater in a 100 word conversation sample, 6 or more phoneme errors for child under 8, or 1 or more phoneme errors for a child 8 or older.
   4) **Language/Phonology Disorder**-receptive and/or expressive language (semantics, morphology, syntax, pragmatics, phonology) is at or near the 10^{th} % percentile (or standard score of 81) which indicates significant weaknesses across subtests of more than one assessment instrument or clusters more than one assessment instrument.
2. **Does the communication disorder adversely affect the child's educational performance?**

CRITERION D – LEARNING IMPAIRMENT

1. **Is the student's achievement in math, reading, or language arts near or below the 10^{th} percentile? (at or near the 35^{th} percentile for students whose mental ability is one and a half or ore standard deviations above the mean)**
2. **Is the student's adverse academic achievement due to one of the following deficits?**
   1) **Intellectual Disability** – significant subaverage general intellectual functioning existing concurrently with deficit in adaptive behavior. (Circle one) Severity of deficit is: Mild, Moderate, Severe, Profound
   2) **Specific Learning Disability** – disorder in the processing and/or production of language and/or information as measured by significant differences among scaled or standard scores, OR significant weaknesses across sub-tests or clusters of more than one test with comparative strength identified, OR significant weakness identified in language processing with comparative strength identified.

3) **The identified learning problem is not due primarily to a visual, hearing, or motor disability.**
4) **The identified learning problem is <u>not</u> due primarily to emotional disturbance, environmental deprivation, cultural differences, or English as a Second Language.**

CRITERION E – DEVELOPMENTAL DELAY *(Specific to children ages 0 through 7 years only)*

1) **The child has a significant developmental delay of 25% or 2 standard deviations in one area OR a delay of 20% or 1.5 standard deviations in two or more areas.**
2) **The developmental delay is in the area(s) of:**
   Adaptive/Self-Help Development
   Cognitive Development
   Communication Development
   Physical Development
   Social/Emotional Development

VI. PRESENT LEVEL OF FUNCTIONING, ACHIEVEMENT, AND PERFORMANCE

Describe what the student does well within the following area and what concerns there are for the student. Explain how the student's performance affects his/her involvement and progress in the general curriculum. For preschool children explain how performance affects participation in appropriate activities.

EDUCATIONAL: *How does the student perform within the curriculum and on age appropriate tasks?*

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

_____

SOCIAL/EMOTIONAL/ADAPTIVE BEHAVIOR: *How does the student manage feelings, interact with others and adapt to different environment?*

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

_____

COMMUNICATION: *How does the student listen, speak, understand language and express self?*

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

COGNITIVE: *How does the student think, problem solve, and learn within the environment?*

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

PHYSICAL/MOTOR AND PHYSICAL/HEALTH: *How is the student's vision, hearing, coordination and general health?*

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

TRANSITION/LIFE SKILLS/CAREER: Students 16 years of age or older

- Area not addressed at this time.

Strengths:

Area Affected	Educational Need	Present Level of Performance

VII. RELATED SERVICES NEEDED FOR STUDNT TO BENEFIT FROM SPECIAL EDUCATION

TRIENNIAL REVIEW

The purpose of the triennial review is to determine if the student continues to require special education due to a disability that adversely affects the student's educational performance. Each question stated as a reevaluation consideration must be answered YES by the CSC in order for the student to continue to meet eligibility requirements for continuance of special education services.

1. **Does the student's present level(s) of performance and educational need(s) document the need for continued support?** (Need documented

under Present Level of Functioning, Achievement, and Performance of CSC Eligibility Report.)

2. **Are additions or modification to the special education and related services program needed to enable the student to meet his or her IEP annual goals and to participate, as appropriate, in the general education curriculum**? The student requires the following additions or modifications to his or her special education program to meet his or her annual goals, and to participate in the general education curriculum.
3. **Does the student continue to be a child with a disability**?
4. **Does the student continue to need special education and related services**?

   The student requires the following additions or modifications to his or her special education program to meet his or her IEP annual goals, and to participate in the general education curriculum:

   The student continues to require the following services:

Appendix B

Research Study Matrix

Methodological Critique Matrix

Study	Purpose of the Research	Design	Variables	Sample	Methods/ Procedure	Data Analyses	Results
Study #1 Mercer, Forgnone, & Wolking (1976)	To ascertain the definitions used by state departments across the nation & obtain insights concerning viable direction for special education	Mailed surveys to all 50 states, follow-up letter	Definition & information operationalizing definitions	Directors of special education in 42 states provided information	Information was categorized by: definition, intelligence, process, academic, exclusion, neurological impairment, affective & miscellaneous	Analytic framework	19% used NACHC def. 36% modified, 38% didn't use NACHC, 5% no definition- some states decided eligibility based on programming needs
Study #2 Mercer, Hughes, & Mercer (1985)	To ascertain the latest regulations & practices by which state departments determine eligibility	Mailed surveys to all 50 states, follow-up letter requesting definition & identification criteria/ information operationalizing definitions	State Definitions of SLD were categorized as 1977 definition, 1977 with variation, different, or no definition; examined state criteria for IQ cutoff, processing difficulty, academics, & exclusion; also discrepancy component; operationalized discrepancy	Directors of special education in all 50 states provided information	Each component is listed, defined, & analyzed in terms of definition & criteria data	Analytic framework for definition & criteria compo-nents	72% used 1977 SLD definition, 24% modification of definition, & 4% no definition; 86% had processing in def. %/or criteria; discrepancy model of deviation from grade (80%), percentage lag (15%), & standard score (19%)
Study #3 Frankenberger & Harper (1987)	Review of increases/variation of SLD eligibility	Mailed survey to all 50 states, follow-up letter; requested	States definition of SLD were broken down into criteria used in '81/'82 & '85/'86	Directors of special education in 49 states provided information	Comparison between '81/'82 & '85/'86 for: compliance with federal definition, requirement/	Analytic framework for criteria	94% included federal definition; 98% exclusion criteria, 28 states had achievement

Study	Purpose of the Research	Design	Variables	Sample	Methods/ Procedure	Data Analyses	Results
					procedure for eligibility, method to quantify discrepancy, & revised/altered definition since '81/'82		discrepancy
Study #4 Mercer, King-Sears, & Mercer (1990)	Review current state definitions/criteria for LD; determine if states have operationalized discrepancy for application in light of LD increases	Survey mailed to all 50 states & DC, follow-up phone call used to obtain initial/additional information	State Definitions of LD were categorized as 1977 definition, 1977 with variation, different, or no definition; examined state criteria for IQ cutoff, processing difficulty, academics, & exclusion; also discrepancy component; operationalized discrepancy	Directors of special education in all 50 states & DC	Data was grouped for definition & criteria according to the NACHC definition ('69) to evaluate what states are using for eligibility; current data compared to data from '85	Analytic framework used by Mercer et al. (1985)	57% of states' definition based on '77 federal definition, IQ not specified by 67%; 92% include processing in definition only 27% in criteria
Study #5 Frankenberger & Fronzaglio (1991)	Review 4 issues if state had: altered definition/criteria since '86, specified IQ, method of ability/achievement discrepancy, increase in eligibility	Mailed survey to all 50 states & DC, 44 responded by mail, 7 interviewed by telephone	Change in state definition between '88 & '90; specification of IQ cutoffs; ability/achievement discrepancy; relationship between increases in SLD & discrepancy	Directors of special education in 51 (states plus DC) provided information; 3 noncategorical states not included	Analyzed increase in SLD & discrepancy method used;	ANOVA	55% of states had revised or were going to revise definition of All states included academic component; 14 states & DC specified IQ score in average range;
Study #6 Mercer, Jordan, Allsopp, & Mercer (1996)	Updated survey of definitions & placement criteria; also operationalization of category	Surveys mailed to all 50 states & DC; follow-up letter, phone call for 51 returns	State's definition & criteria analyzed for definition, intelligence, processing, academics, exclusion, neurological, discrepancy, operationalization	Directors of special education in 51 (states plus DC) provided information	Each component was listed, defined, & analyzed in terms of definition & criteria	Analytical framework	Intelligence criteria has remained constant; use of process, academics, exclusion

Study	Purpose of the Research	Design	Variables	Sample	Methods/ Procedure	Data Analyses	Results
							components, discrepancy use all increased,
Study #7 MacMillan, Gresham, & Bocian (1998)	To examine the extent which 2 state-mandated criteria (aptitude-achievement discrepancy & exclusion of MR) for eligibility were applied	Application of CA definition & criteria for eligibility for LD	IQ, academic achievement, social behaviors, behavior disorders, & externalizing behavior problems	150 students in 2nd, 3rd, & 4th grade, referred to school SST, randomly selected from 5 CA school districts	Students were administered WISC-III, WRAT-R; Teachers completed Social Skills Rating System-Teacher (SSRS-T), Critical Events Index (CEI), & Connor's Teacher Rating Scale-28 (CTRS-28)	MANOVAs	School reached decision on 113: 61 LD, 52 not LD; project identified 36 LD, 77 not LD; False Positive: 32 False Negative: 7 Agree LD: 29 Agree Not LD: 27
Study #8 Kidder-Ashley, Deni, & Anderton (2000)	To examine the variability among terminology, definitions , eligibility criteria; applied eligibility models to sample hypothetical cases	Survey (method of delivery not specified)	Definitions examined for 4 components: process, academic, neurological, and exclusionary component: Six state formulas selected, applied to 15 cases	40 (39 plus DC) states' education agencies	Eligibility application randomly applied to 15 cases;	Not specified	Fair agreement among states: large no. of states use prior educational experience; flexibility by LEA most varied; hypothetical cases varied greatly with state formulas
Study #9 Haight, Patriarca, & Burns (2002)	To identify the criteria that districts use to identify LD and how they operationalize concept of severe discrepancy	Descriptive study; Directors called to send information on eligibility criteria, follow up phone call for 100% answer	Written document; Discrepancy (presence/ absence, nature of severity, SS or regression), assessment (specific or recommended tool); comprehensive, explicit, or consistent criteria for eligibility	57 Directors/ coordinators of Sp. Ed. in MI;	45 documents were received & answers clustered for 4 categories: Nature & Type of Written Criteria, Prevalence & Definition of Sever Discrepancy, Assessment measures,	Not specified	12 had no written eligibility criteria; 45 lacked uniformity on types of information included & explicitness; 45 had SS discrepancy but

Study	Purpose of the Research	Design	Variables	Sample	Methods/ Procedure	Data Analyses	Results
					Comprehensiveness, Explicitness & Consistency of Criteria		varied in SS points required; 1 required specific instruments, 43 used more than discrepancy
Study #10 Mellard, Deshler, & Barth (2004)	Present data from a focus group study with stakeholders	Sampling from focus groups	Different conceptualizations of LD determination issues that are organizational & resource constraints; influence of local efforts/problem solving	3 states: MI, MO, & LA; Principals: 20 Parents: 15 Gen. Ed: 19 LD teachers: 20 Psychologist & Diagnostician.: 23 Speced Dir: 16 Total: 113	Each group met separately & followed set agenda; all sessions were videotaped & notes taken-transcribed	Focus group questions used as organizational framework for analysis	Difference between states was minimal, between groups was greater; dominant theme was variation in LD determination, concerns about integrity of LD category, professional role ambiguity, value of IDEA regulations, desired attributes of LD
Study #11 Reschly & Hosp (2004)	To examine SEA requirements for SLD, definitions & classification	Survey	Information was grouped for: SLD prevalence, definition, classification criteria (intellectual, processing/neurological impairment, achievement, exclusion, discrepancy, discrepancy determination, magnitude, team override, cross-	SEA directors from all 50 states	Used surveys (1976, 1985, 1990, 1996) for basis of current status for definition, classification criteria, IQ & achievement requirements, discrepancy method, exclusion factors, and team override	Conven-tional descriptive analyses	Classification focuses on 3 broad domains: achievement, severe discrepancy, exclusion factors) little guidance to LEA personnel; empirical relationship not found between assessment of

Study	Purpose of the Research	Design	Variables	Sample	Methods/ Procedure	Data Analyses	Results
			categorical, rule waiver, SEA changes)				processing and improved SLD identification
Study #12 Hallahan, Keller, Martinez, Byrd, Gelman, & Fan (2007)	To revisit the issue of state-to-state variability of prevalence rates	Longitudinal study	Looked at state-to-state variability, trends, rankings, & stability	Data gathered for all 50 states & DC	Generated CVs for state prevalence rates for 9 disability categories for 3 time periods;	Kruskal-Wallis test (one-way ANOVA)	LD was least variable of the categories for the 3 time periods; HI, MR, VI, & TBI were more variable;
Study #13 Ahearn (2008)	Report on the status of changes in states to comply with revised federal requirements	Survey mailed to all states; reply by faxing or Zoomerang	Does the state have/ or foresee changes in regulations/ policies in response to IDEA; for eligibility criteria, training& technical assistance,	49 states Dept. of Education responded to survey	Replies to the survey questions were tabulated by number of states and percent;	Not indicated	42 responded regulations/policies had changed though 3 states in process of finalizing changes to comply with IDEA, 7 looking at it; internet used for training, all states looking at possible changes; general education being involved by a few states

Appendix C

Parent Permission

Page 1 of 2 Initials _____ Date _____

PERMISSION FORM

Project Title	An Examination of the Application of PSS Guidelines for Eligibility of 3rd through 5th Graders Under Category D-SLD in Region A
Why is this research being done?	This is a research project being conducted by Susan Schwartz under the supervision of Dr. Margaret J. McLaughlin at the University of Maryland, College Park. The purpose of this research project is to look at the information that was presented at the Case Study Committee (CSC) eligibility meeting to establish whether decisions determining eligibility for special education services that were made for 3rd – 5th grade students under category D-Specific Learning Disability (SLD) were made in agreement with PSS established criteria.
What will I be asked to do?	I would like your permission to review your child's eligibility report to examine the scores that were attained during individual testing for intellectual, language and/or cognitive processing, academic achievement, and if information was input for sections 3 and 4 of the eligibility report. I will not be interacting with your child for this study.
What about confidentiality?	To protect the confidentiality of the information in your child's report, I will transfer the specific information of scores that were attained on the intellectual, language and/or cognitive processing, academic achievement, and information from sections 3 and 4 to a separate coding sheet that will not contain any names. Each sheet will be given a unique number that will not be able to be linked back to your child's folder. All copies of reports, sheets, etc that will be used in the study will be destroyed after the study concludes. Until that time all data will be stored in a secure location with access available only to the researcher. All reports of findings will only include summative information and not any information about individual children.
What are the risks of this research?	There are no known risks associated with participating in this research project.
What are the benefits of this research?	This research is not designed to help your child personally, but the results may help the investigator learn more about the use of the established eligibility criteria. In the future, other people might benefit from this study through improved application of the criteria that CSCs in PSS are using to determine eligibility for special education services under category D-SLD.

 Initials _____ Date_____

Do I have to be in this research? May I stop participating at any time?	Participation in this research is completely voluntary. You may choose not to have your child's records reviewed.	
What if I have questions?	This research is being conducted by Susan Schwartz under the direction of **Dr. Margaret McLaughlin, Department of Special Education at** the University of Maryland, College Park. If you have any questions about the research study itself, please contact Susan Schwartz at 452-9337/(049)06568-966832 or sschwar5@umd.edu or you can contact Dr. Margaret McLaughlin at: 1308 Benjamin Bldg, College Park, MD 20742, 301-405-2337, mjm@umd.edu If you have questions about your child's rights as a research subject or wish to report a research-related injury, please contact: **Institutional Review Board Office, University of Maryland, College Park, Maryland, 20742; (e-mail) irb@umd.edu; (telephone) 301-405-0678** This research has been reviewed according to the University of Maryland, College Park IRB procedures for research involving human subjects.	
Statement of Age of Subject and Consent	Your signature indicates that: you are at least 18 years of age;, the research has been explained to you; your questions have been fully answered; and you freely and voluntarily choose to have your child's confidential records reviewed.	
Signature and Date	STUDENT'S NAME	
	YOUR NAME	
	YOUR SIGNATURE	
	DATE	

Appendix D

Cover Letter to Schools

Dear (Name),

My name is Susan Schwartz and I am a doctoral student from the University of Maryland, Department of Special Education and an LI teacher at a High School. For my dissertation I am planning on reviewing special education records to examine the application of the participating school system criteria in determining eligibility for special education services. This research has been approved by my university IRB as well as the participating school system's HQ.

I am reviewing records for students who are enrolled in grades 3 through 5 and are eligible for services under category D-Specific Learning Disability (D-SLD) during the school year 2009-2010. My purpose for conducting this study is to examine whether the eligibility criteria is being applied in accordance with the established criteria. The information gathered will be coded and there will be no direct correlation to a particular school for a particular student's information known to anyone except the student researcher. The results of the study will be reported to the University of Maryland in the form of a dissertation.

Your school has been identified as having students enrolled in the desired grades and on an Individualized Education Program (IEP) under category D-SLD. I am requesting your assistance identifying students who meet the criteria of being in 3rd through 5th grade and qualified for services under D-SLD.

I am requesting your participation and assistance in contacting parents for permission to review their child's confidential information. I am requesting that you

send the enclosed permission slip to the sponsor of identified students to obtain permission to review their child's confidential information. In the cover letter, I have offered several options for the sponsor to send the signed paperwork back to me. If they have questions they should contact me directly and will have that contact information in their packet. Once parent permission is obtained I will work with the participating school system's HQ to obtain the information necessary. The names of students, districts, schools, and staff members will be kept confidential to me as the researcher and will not be reported in any manner. Analysis of the data will be reported as overall practices, not school or district specific. The name of the system will not even be mentioned in the study. Hopefully, the outcome of this study will lead to identifying areas of competence and areas that might need further staff training. Your assistance in this process is voluntary but would be greatly appreciated and hopefully productive for all of us.

I appreciate your attention to my request and any assistance you will be able to provide. If you have any questions or concerns, please do not hesitate to contact me at sschwar5@umd.edu or at 452-9337.

Susan Schwartz

Doctoral Candidate

Department of Special Education

University of Maryland College Park

Appendix E

Cover Letter to Parents

April 25, 2010

Dear Parent/Sponsor,

I am a doctoral student from the University of Maryland and a participating school system's employee at a High School. I am completing my dissertation by reviewing children's special education records to determine the extent to which the participating school system's criteria in determining eligibility for special education services are followed. My research will focus on students in grades 3-5 who are identified for special education services under category D-Specific Learning Disabilities (SLD).

I would like to review your child's special education records to see what assessments were given and what results were obtained, as well as the information that was presented. To protect the confidentiality of the information in your child's report, I will transfer only the information about the tests and scores to a separate sheet that will not contain your child's name. All copies of reports, sheets, etc that will be used in the study will be destroyed after the study concludes.

If you are willing to participate please review the permission form and sign, initializing at the top of each page to show that you have read each page. You may mail the permission slip in the provided addressed envelope or send it electronically (faxed or scanned) directly to me at the email address below. If you have any questions or

concerns with my request, please send me an email or call (049) 6568-966832 outside of Germany or 06568-966832 in Germany.

Please note that my research study has been approved by the participating school system and overall results will be shared with the participating school system, but the research is not sponsored by the participating school system. Your participation is totally voluntary and there are no consequences for you or your child based on your participation.

Thank you for your consideration.

Susan Schwartz

Doctoral Candidate

Department of Special Education

University of Maryland College Park

Susan.Schwartz@eu.pss.edu or Fax: 06561-940-905

Appendix F

Data Collection Protocol

Code: _____

Gender: 1) Male 2) Female

Age: 1) 7 2) 8 3) 9 4) 10 5) 11

LEP: 1) Indicated 2) Not indicated

LEP2: 1) Yes 2) No

VH: 1) Indicated 2) Not indicated

VH2: 1) Passed 2) Not passed

Section I

Tests/Assessments listed on page 2 1) Yes 2) No

Current Assessment 1) Yes 2) No 3) Unknown

Obser: 1) Indicated 2) Not indicated

SFM: 1) Indicated 2) Not indicated

RR: 1) Indicated 2) Not indicated

EP 1) Indicated 2) Not indicated

AA 1) Indicated 2) Not indicated

Language 1) Indicated 2) Not indicated

Processing 1) Indicated 2) Not indicated

Section II

Type 1) Incoming 2) Initial 3) Triennial 4) Change of category 5) Not indicated

Obser 2: 1) Reported 2) Not reported

SFM 2: 1) Reported 2) Not reported

RR 2: 1) Reported 2) Not reported

EP 2 1) Reported 2) Not reported

AA2 1) Reported 2) Not reported

KTEA	Range	SS	Percentile

TOWL-4	Range	SS	Percentile

WJ III AA	Range	SS	Percentile
WJIII Broad Reading			
WJIII Broad Math			
WJIII Broad LA			
WJIII A Skills			
WJIII A Fluency			
WJIII A Applications			

Name	Range	SS	Percentile

Language 2 1) Reported 2) Not reported

CELF - 4	Range	SS	Percentile
Core Language Score			
Receptive Language Score			
Expressive Lang. Index			
Language Content Index			
Language Memory Index			

CTOPP	Range	SS	Percentile
Phonological Awareness			
Phonological Memory			
Rapid Naming			

Other Assessment: Name	Range	SS	Percentile

Processing 2 1) Reported 2) Not reported

K-BIT 2	Range	SS	Percentile
Verbal			
Nonverbal (Matrices)			
IQ Composite			

WISC IV	Range	SS	Percentile
Verbal			
Performance			
Verbal Score			
Performance Score			
Full Scale Score			
Index Scores			
Verbal Comprehension			
Perceptual Organization			
Freedom from Distractibility			

WJ III Cognitive	Range	SS	Percentile
Comprehension-Knowledge			
Long Term Retrieval			
Visual-Spatial Thinking			
Auditory Processing			
Fluid Reasoning			
Processing Speed			
Short-Term Memory			
Working Memory			
GIA			

Section III

Information entered from Parents/Guardians/Students:

1) Yes 2) No

Section IV

Information entered from Other Sources:

1) Yes 2) No

Section V

Eligibility considerations

Categories Identified 1) A 2) B 3) C 4) D 5) E 6) T

Section VI

Present level of functioning, achievement, and performance

Area of Needs

1) Educational

2) Social/emotional/adaptive behavior

3) Communication

4) Cognitive

5) Physical/ Motor and Physical/Health

6) Transition/life skills/career

Appendix G

Eligibility Determination Sheet

Code:

Background/Referral Information

Record Review

Social/Family/Medical History

Educational Performance

Academic Achievement

KTEA	Range	SS	Percentile

TOWL-4	Range	SS	Percentile

WJ III AA	Range	SS	Percentile
WJIII Broad Reading			
WJIII Broad Math			
WJIII Broad WL			
WJIII A Skills			
WJIII A Fluency			
WJIII A Applications			

Other Assessment: Name	Range	SS	Percentile

Observation

Language

TOLD-P:3	Range	SS	Percentile
Semantics & Grammar			
Listen, Organiz, Speaking			
Overall Language Ability			
Spoken Language			
Listen/Semantics			
Speaking			
Organizing			
Syntax			

CTOPP	Range	SS	Percentile
Phonological Awareness			
Phonological Memory			
Rapid Naming			

Other Assessment: Name	Range	SS	Percentile

Processing

K-BIT 2	Range	SS	Percentile
Verbal			
Nonverbal (Matrices)			
IQ Composite			

WISC IV	Range	SS	Percentile
Verbal			
Performance			
Verbal Score			
Performance Score			
Full Scale Score			
Index Scores			
Verbal Comprehension			
Perceptual Organization			
Freedom from Distractibility			

WJ III Cognitive	Range	SS	Percentile
Comprehension-Knowledge			
Long Term Retrieval			
Visual-Spatial Thinking			
Auditory Processing			
Fluid Reasoning			
Processing Speed			
Short-Term Memory			
Working Memory			
GIA			
Retrieval Fluency			
SD			

Other Assessment: Name	Range	SS	Percentile

Information from parents/guardians/students

Information from other sources

Eligibility Determination

Achievement Identified	Processing Identified
Yes	Yes
Yes	No
No	Yes
No	No

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