

New Mexico TEAM Professional Development Module: Specific Learning Disability

[Slide 1] Welcome

Welcome to the New Mexico TEAM technical assistance module on making eligibility determinations under the category of SLD. This module will review the guidance of the NM TEAM section on specific learning disability, also called SLD. During this module, you will sometimes be referred back to a different module or other resources for additional information. We encourage you to have a copy of the NM TEAM available and open to the section on SLD for reference during this module. In addition, you will find it useful to have a copy of NM TEAM Appendixes B and C available.

[Slide 2] Learner Objectives

After successfully completing this module, you will have the knowledge to use evaluation data effectively to make an eligibility determination under the category of SLD. Specifically, you will be able to: understand the federal definition of SLD, identify some common characteristics of SLD and the associated educational impact, and recognize special considerations for assessment for children with known or suspected SLD. Additionally, you will understand the highly recommended and potential components of an evaluation for SLD, know the criteria required for eligibility under the category of SLD, and understand how to document the team's eligibility determination decisions.

[Slides 3-12] Definition

[Slide 3] When teams are making eligibility determination decisions, IDEA outlines a two-step approach. Each of these steps involves responding to a specific question—the first question is “Does the child have a disability as defined by IDEA?” and the second question is “Does the child require specially designed instruction as a result of this disability?”

This module will walk you through answering those two questions. First, we'll talk about the definition of SLD, as defined by IDEA, to help you begin to better understand the disability itself. Next, we'll talk about the impact of the disability on educational performance to help you understand when a child might require specially designed instruction as a result of SLD. Later, after establishing this basic framework, we'll talk more specifically about the evaluation components and the eligibility determination decisions.

IDEA's definitions of disability terms are the cornerstones of eligibility determination decisions. The definition, combined with comprehensive assessment data, including detailed information about the child's background, educational strengths and needs, and other pertinent factors, helps schools, educators, and parents determine if the child is eligible for and in need of special education and related services. Please take a moment to read the IDEA definition of SLD and then we'll take a closer look at it.

[Slide 4] Now let's take a closer look at the definition. This definition of the disability will help teams answer the question: “Does the child have a disability as defined by IDEA?”

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SLD is a disorder in one or more psychological processes that are involved in understanding or using language. Because of this disorder, children with SLD will have some degree of difficulty with one or more of the following: listening, thinking, speaking, reading, writing, spelling, or doing math.

[Slide 5] There are three main elements to the identification of a child with SLD. First, SLD is characterized by significant academic underachievement in one of areas presented on the slide in front of you.

[Slide 6] This academic underachievement must be evident even after documented, sustained, high-quality, scientific, research-based instruction and intervention. The instruction and interventions that the child received must have been appropriate for all identified concerns, and the child's progress and response to those interventions must have been documented. Team should not move forward with eligibility determination without this critical data.

[Slide 7] Second, SLD is characterized by a neurological processing deficit. Any processing deficit must be related to the specific academic areas of underachievement. For example, a child with deficits in phonological processing may also demonstrate academic underachievement in the area of basic reading skills. Another child may demonstrate difficulties with working memory that leads to academic underachievement in the areas of math problem solving and listening comprehension.

[Slide 8] Third, for the category of SLD, the child's academic achievement cannot be the result of exclusionary factors. The exclusionary factors for SLD are listed on the slide in front of you. Within the definition itself, it is indicated that problems such as sensory impairments, intellectual disability, and environmental disadvantage cannot be the primary cause for learning problems if a child is to be identified as a child with SLD. It is not as easy as simply indicating that one or more of these factors applies to the child and, therefore, the child would not be eligible under the category of SLD. Instead, EDTs must thoughtfully consider all of the factors contributing to the child's difficulties and identify the primary cause of the child's difficulties. It is important that EDTs recognize that a child may have factors that have impacted his educational performance, but if they are not the primary reason for the child's difficulties, they would not be considered determinant factors. We will talk more about these determinant factors later.

[Slide 9] Under IDEA, the eligibility category of SLD may include children with dyslexia.

[Slide 10] New Mexico HB 230 defined dyslexia and indicated that it is the responsibility of school districts to provide appropriate interventions to all children who demonstrate the characteristics of dyslexia, both prior to a referral for special education and later, if they are determined to have an SLD and characteristics of dyslexia. To facilitate the identification of children who demonstrate characteristics of dyslexia, the NM TEAM includes a worksheet in Appendix C that will guide EDTs in documenting and determining the presence of characteristics related to dyslexia.

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[Slide 11] Each LEA must implement a procedure to address assessment of children with possible dyslexia, so you must check with your LEA for guidance specific to your location. Teams may consider an evaluation for characteristics of dyslexia for several reasons, including, but not limited to, a specific request from the child's parents, information or requests provided by SAT, signs of possible dyslexia during the comprehensive evaluation, and children who have been referred for a comprehensive evaluation based on difficulties with reading or written expression. It is important to remember that not all children with SLD in one of the reading areas or in written expression will demonstrate characteristics of dyslexia. Similarly, not all children with dyslexia will be found eligible for special education and related services.

[Slide 12] Finally, it is important to remember that this disability must adversely affect the child's educational performance in order for him to be found eligible for special education and related services. Not all children with SLD will be eligible for special education and related services. We'll talk about this second step to eligibility determination decisions by first talking about educational performance in general and then looking specifically at issues related to SLD.

[Slides 13-19] Educational Performance

[Slide 13] To determine the impact of a disability on a child's educational performance, the team needs to answer the question: "Does the child require specially designed instruction as a result of this disability?" If a child with a disability does not require specially designed instruction, then the child would not qualify under IDEA and teams should consider the implementation of a Section 504 plan or other classroom interventions to address the child's needs.

[Slide 14] According to IDEA, specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction to meet the unique needs that result from a child's disability. This includes special education.

[Slide 15] In New Mexico, services provided by a speech-language pathologist may also be considered special education, not simply a related service, if the services meet the requirements outlined in the New Mexico Administrative Code, typically referred to as NMAC.

[Slide 16] When evaluating a child for potential eligibility for special education and related services under the eligibility category of SLD, according to IDEA, it is important that teams remember to consider three aspects of the child's educational performance. This includes the child's ability to: be involved and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate with other children with and without disabilities.

[Slide 17] Teams are probably most familiar and most comfortable with the first of these areas: determining if a child's disability results in a need for specially designed instruction in order to be involved in and make progress in the general education curriculum. While this includes academic

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progress, it may also include social skills, problem solving, communication, and other general curriculum areas.

[Slide 18] Second, it is also important for teams to consider whether a child needs specially designed instruction in order to participate in extracurricular and nonacademic activities, such as recess, sports, choir, drama, and other clubs or school-related activities. For example, a child with SLD may be performing satisfactorily in classroom activities because of the amount of supports inherent in the classroom environment. However, this child may have difficulty with participation in extracurricular activities, like soccer or choir, because of the interaction between his disability and the nature of the activities. According to IDEA, this child may be found eligible for special education and related services because of the impact of his disability on his ability to participate in these activities. An example of this might be a child with SLD who requires supplementary aids and services to participate in after-school clubs. It is important to recognize that IDEA doesn't guarantee children access to competitive teams or groups *because* of their disability. However, they should be permitted the same opportunity as other children to try out for the activities and/or teams. The New Mexico Activities Association provides guidance regarding academic eligibility for participation for children enrolled in special education programs.

[Slide 19] The third and final area for teams to consider is the child's ability to be educated and participate with other children, including those with and without disabilities. This is essentially a question of educational environment. For example, a child with SLD may be able to access the general curriculum and participate in extracurricular activities, but because of his disability, it may be especially difficult for him to be educated in the general education classroom. This is not a discussion about where services will be delivered, but what services are necessary. For example, an eligibility determination team, or EDT, may determine that a child with challenging behaviors needs specially designed instruction in order to develop and support appropriate classroom behaviors and interactions. Other examples include a child with attention difficulties who required specially designed instruction to learn strategies to improve his attention and focus in the classroom, or a child who needs specially designed instruction in the form of social skills interventions in order to participate in activities with peers. Where the first question teams ask relates to access to curriculum, this question addresses the educational setting for the child.

Now that we've talked in general about educational performance, let's look specifically at the possible adverse effects of SLD on a child's education.

[Slides 20-30] Characteristics and Educational Impact

[Slide 20] We're going to highlight some of the developmental areas that are commonly impacted by SLD to help teams identify characteristics that may suggest that a child has SLD. You may notice that although the other eligibility categories in the NM TEAM include characteristics for both preschool-aged and school-aged children, the SLD section only includes information regarding characteristics for school-aged children. This is because SLD is defined and operationalized based on academic underachievement

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despite high-quality instruction. Therefore, it is highly unlikely that a young child, such as a child in preschool, kindergarten, or early in first grade, would be identified as a child with SLD. That's not to say that these young children won't begin to demonstrate some difficulties in their early years, but in order to determine that a child has SLD, the child must have had adequate time in school for appropriate instruction and interventions to have occurred. These early years are critical for learning, so schools should have and implement a system for monitoring children's academic achievement and progress and providing interventions when necessary.

[Slide 21] Referrals for comprehensive evaluations should not be delayed while waiting for the child to get "old enough," but they also should only go forward when the school is confident that appropriate instruction and sustained interventions have occurred with fidelity and for a substantial period of time.

[Slide 22] Now that we've highlighted the unique nature of SLD, we will discuss the characteristics that may suggest that a child has SLD. As we discuss these characteristics, it is important to recognize that the effects of SLD will vary considerably, depending in large part upon the interaction between the child's characteristics, and the school, family, and community supports.

To identify the educational impact for a child with SLD, the EDT must examine the demands of various settings and environments and the child's abilities to meet those demands by addressing the question of "How do the characteristics of the disability manifest in the child's natural environments (including home, classroom, recess, and others)?" This determination needs to be made at a very individual level for each child and must be based on comprehensive information about the child and his environments, including information gained from observing a child's functional and academic performance across a variety of settings.

[Slide 23] Please remember that the characteristics of SLD apply to children regardless of the method used to determine eligibility. As we'll discuss later, there are two methods for determining eligibility under the category of SLD: Dual Discrepancy and Severe Discrepancy. Although we will be referencing the terminology for the Dual Discrepancy when we discuss the characteristics of SLD, the information collected for the referral and during the comprehensive evaluation is the same for both methods—it is the interpretation of those data at the time of eligibility determination that is different.

[Slide 24] The characteristics under the category of SLD are organized around three domains: academics, cognition, and social/emotional. These domains each include a range of skills that may be impacted by SLD.

[Slide 25] We are going to discuss the domain of academics in-depth, as that is the key area of difficulty for children with SLD. Children with SLD demonstrate unexpected underachievement in one or more areas. First, let's discuss what is meant by underachievement and then we will discuss what is meant by unexpected.

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Underachievement means that a child's academic performance in at least one of these areas is lower than other children in the same grade. A child's level of academic performance is also called his "Level of Achievement," and when we discuss the Dual Discrepancy method of eligibility determination later, we will refer to this as "Factor 1." Although children with SLD may demonstrate low scores on standardized diagnostic assessments, it is important for EDTs to remember that underachievement is directly linked to the child's overall academic performance prior to the comprehensive evaluation.

[Slide 26] This means that a child with SLD will demonstrate academic underachievement on measures such as classroom based assessments, in-class assignments, homework, and others. In addition, most, but not necessarily all children with SLD, will demonstrate deficits on their standards-based assessments. As we'll discuss in more detail later, the child's academic underachievement may also be evident during the evaluation process by low scores on standardized diagnostic assessments.

[Slide 27] A child's academic underachievement would be considered "unexpected" when the child's academic performance is lower than would be expected given the child's grade in school; language, socio-cultural, and economic background; and participation in appropriate instruction and provided evidence-based interventions. For example, a child may demonstrate performance in one or more areas of learning that is surprisingly lower than other academic areas for a child despite being provided interventions targeted at the area of concern. In other words, a child may be performing well in math skills, but is having significant difficulty performing adequately in reading. Another example might be a child whose dominant language is Spanish and who has been observed to not make the same progress as his peers from similar language, cultural, and environmental backgrounds, despite receiving appropriate instruction. The slower rate of learning that we just described in this example is a key characteristic of children with SLD, and is referred to as Factor 2 under the Dual Discrepancy method of eligibility determination.

[Slide 28] Another characteristic of children with SLD is that they often demonstrate patterns of strengths and weaknesses. This is closely related to our discussion of "unexpected," as a pattern of strengths and weaknesses indicates that the child isn't experiencing global difficulties with learning, but that he has some areas in which he is performing better than others, whether that be in particular areas of cognitive skills, processing skills, or academic areas. It is important for EDTs to recognize that these patterns of strengths and weaknesses are evident over time, so it is not a matter of simply relying on one assessment on which the child performed poorly. This characteristic of patterns of strengths and weaknesses is also included within Factor 2 under the Dual Discrepancy method and is the hallmark feature for eligibility determinations under the Severe Discrepancy method.

[Slide 29] Cognitive abilities in children with SLD may be characterized by some uneven patterns of knowledge and skills, specifically with executive functioning skills. For example, tasks requiring organization and planning may be challenging for a child with SLD, so they may have difficulty completing long-term projects and even completing daily coursework. The combination of decreased self-monitoring and poor planning skills may result in work that is undone or only partially complete.

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These difficulties may have cumulative effects—the longer that the child is struggling without appropriate interventions and instructions, the more likely it is that they will fall even further behind academically and demonstrate even more pronounced strengths and weaknesses.

[Slide 30] In addition to uneven cognitive abilities, a child with an SLD may demonstrate deficits in their social/emotional skills. Parents and teachers may report that a child with SLD doesn't care or doesn't work hard enough. They may say that the child's academic problems would be resolved if the child only cared more about learning or worked harder to complete assignments. This perspective, although common, disregards the fact that the child's motivation for learning may be significantly impacted by his SLD. Along with the negative perception of others, the child himself may feel inadequate and wonder why he has so much difficulty with tasks that his peers seem to complete easily. This may be particularly disturbing when the child perceives that he is working hard but not progressing. Enthusiasm towards school activities, even those which are of interest to him, may lessen, especially as the demands of the activities increase. These social/emotional deficits may also be evident in interactions with others due to communication difficulties that many children with SLD demonstrate. A child with SLD may also exhibit problems listening, understanding, and responding appropriately to others, leading to struggles with establishing and maintaining appropriate peer relationships, as well as participating in social and academic conversations in the classroom. Additionally, a limited vocabulary can further interfere with communication at school and at home.

Please refer to the "Characteristics and Educational Impact" section of the NM TEAM for more detailed information in each of these areas, but remember that the characteristics presented in NM TEAM are not meant to be exhaustive nor is the NM TEAM suggesting that all children with SLD will demonstrate all of the presented characteristics. It is important for teams to recognize that these characteristics may lead to limited opportunities for engaging in age-appropriate activities, opportunities to be educated with peers, and the learning that accompanies these activities.

[Slides 31-37] Special Considerations for Assessment

[Slide 31] It is important for EDTs to be aware of issues related to evaluating young children and children with known or suspected disabilities, regardless of the eligibility categories being considered. For example, when evaluating young children, it is imperative that the impact of the family, home environment, home language, and developmental history be considered. Specifically, EDTs must determine that a possible lack of exposure to developmentally appropriate activities is not the *primary* reason for the child's difficulties. In addition, for a child with a known or suspected disability, EDTs must ensure that the assessment results accurately reflect the areas being assessed. For example, be careful that you are not measuring the child's sensory, motor, or speaking skills, unless those are the skills you *wish* to assess. Please review NM TEAM section 6 for more information on these issues.

Like all of the eligibility categories, SLD has unique characteristics that can influence the evaluation process.

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[Slide 32] First, the age of the child being evaluated is an important consideration under the eligibility category of SLD. Because SLD manifests as academic underachievement despite appropriate, quality instruction and interventions, it is unlikely that young children, including those in preschool, kindergarten, and early first grade, will be identified as having SLD. In most cases, these children simply haven't had enough specific, targeted instruction and intervention; curriculum in the early school years is typically focused primarily on more general developmental areas. That isn't to say that these young children won't begin to demonstrate some difficulties during their early years, therefore schools should have and implement a system for providing interventions and monitoring progress for children experiencing academic difficulties.

[Slide 33] Second, consistent with federal and New Mexico state regulations, there are two distinct methods of determining eligibility under the category of SLD. These methods are the Dual Discrepancy method and the Severe Discrepancy method. When we discuss the eligibility determination process under these two methods, you'll see that the areas to be addressed in an initial evaluation and most of the questions addressed during the eligibility determination process are the same. Additionally, the components of an initial evaluation under the eligibility category of SLD are identical, regardless of the method being used. It is the interpretation and use of the data that differs between the two methods.

[Slide 34] Briefly, the Dual Discrepancy method is required in New Mexico for children in kindergarten through third grade and optional for use with children in other grades. This method involves examining the child's educational performance by looking at two factors: level of achievement, also called Factor 1, and rate of improvement, also called Factor 2. In order to be considered a child with SLD using the Dual Discrepancy method, the child must demonstrate a significantly lower level of achievement and significantly lower rate of improvement than his peers. When using this method, some children demonstrate the lower level of achievement, but not the lower rate of improvement. For these children, the EDT can consider a pattern of strengths and weaknesses in performance. We'll talk about this in more detail when we discuss the eligibility determination process.

[Slide 35] The Severe Discrepancy method is optional for fourth through twelfth grade, and cannot be used for children in kindergarten through third grade. This method involves comparing the child's predicted academic achievement to his actual academic achievement. The child's actual achievement must be significantly lower than his predicted achievement in order to be considered for eligibility under the category of SLD using the Severe Discrepancy method.

[Slide 36] Throughout this module, we'll be referencing specific discrepancy levels, such as 1.5 standard deviations. EDTs must recognize that these are not meant to be firm "cutoff" scores. Instead, EDTs should consider all of the assessment results within the complete picture of a child's functioning and should recognize that a standardized assessments are only one piece of the puzzle.

[Slide 37] The final assessment consideration that we'd like to highlight is dyslexia. We've already outlined some situations where the EDT may choose to evaluate a child for possible dyslexia. Appendix C

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of the NM TEAM provides one example of a worksheet that will support EDTs in identifying appropriate assessments that can be used to provide a rich description of the child's strengths and areas of need, which will facilitate a discussion of whether or not the child demonstrates characteristics of dyslexia.

[Slide 38-43] Initial Evaluation: Specific Learning Disability

[Slide 38] To answer the questions on the eligibility determination worksheets and make eligibility decisions, it is important to discuss the evaluation components that are outlined in the NM TEAM. A number of the components are the same across most, if not all, of the eligibility categories. These components are outlined and discussed in the Conducting Initial Evaluations Module.

Highly recommended evaluation components for SLD are listed on the screen in front of you and in the NM TEAM under the SLD section. All of the highly recommended components are important and should be addressed in an evaluation, but some of the elements need to be discussed in a bit more depth to help evaluators more clearly understand the component within the context of SLD.

Please remember that the assessments chosen must be tailored to assess specific areas of suspected disability and educational need. Assessment of children for whom SLD is suspected should be multidisciplinary and comprehensive and conducted by individuals experienced in evaluating individuals with SLD. There is no single definitive assessment for suspected SLD. Thus, the use of multiple tools, as well as the professional judgment and skill of the professionals who conducted the evaluation, will ensure accurate findings. Please remember that the NM TEAM provides information about common characteristics of children with SLD—this information can help EDTs identify if SLD may be an appropriate eligibility category for consideration.

Let's start by talking about the information gathered during a review of existing data, the child's history, and direct observations of the child's behavior. When evaluating a child for suspected SLD, EDTs should pay particular attention to information suggesting that the child has a history of academic difficulties, including underachievement and lack of appropriate academic progress in one or more areas. Also, EDTs should look for behavioral indicators suggesting a history of underlying neurological processing deficits that might relate to an SLD, for example, consistent data regarding organizational difficulties, difficulty with memory, etc.

[Slide 39] According to IDEA, observations must be conducted in a variety of settings, including the general education setting for school-aged children. These observations must include observations in routine classroom instruction and must be directly related to the area of concern. These observations may be conducted as part of the SAT process and/or be conducted as part of the comprehensive evaluation for eligibility for special education and related services.

[Slide 40] Assessments in cognitive ability provide information in a variety of areas, including those impacted by SLD, such as verbal skills and executive function. Evaluators should recognize that the uneven patterns of knowledge and skills that are characteristic of SLD might affect the child's performance on standardized cognitive assessments for several reasons. A child with SLD may obtain

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artificially low cognitive scores because the child's processing abilities interfere with the areas being measured by the assessment. In addition, artificially low scores may also be a result of the fact that the child may not have developed appropriate vocabulary or other knowledge that is required on most cognitive assessments. Evaluators should pay close attention to the child's unique set of skills and knowledge when interpreting the results of any cognitive assessment. Knowing, for example, that a child has deficits in long-term retrieval, it would not be a surprise to see that the same difficulty presents itself in the child's responses during a cognitive assessment, even in areas that don't directly measure long-term retrieval. Although this child may obtain a low cognitive score, the score should be viewed with caution, as it may not represent the child's true cognitive abilities. EDTs should not look at this, or any, score in isolation, nor should they consider a low cognitive score as a firm indicator that the child does not demonstrate SLD. Instead, this score may actually support an eligibility determination of SLD.

[Slide 41] As noted in the NM TEAM, the use of a discrepancy in performance on standardized assessments in the areas of cognitive ability and academic achievement is only utilized when looking at the Severe Discrepancy method of eligibility determination. Under the Dual Discrepancy method, the results of cognitive assessments should be utilized for information purposes, not for any type of discrepancy determination. You will notice that the NM TEAM does not provide specific guidance regarding a required cognitive assessment score necessary to make an eligibility determination under the category of SLD. It is up to the EDT to consider all of the evaluation data to determine the most appropriate eligibility category for an individual child.

[Slide 42] The academic achievement and neurological processing assessments are related, as both must be linked to the areas of identified concern. The child must have received documented, sustained, high-quality, scientific, research-based instruction and intervention for any area of concern. These data, including progress monitoring data, should be reviewed as part of the comprehensive evaluation. Additional data from standardized assessments may be appropriate, but the data from these tools should not be interpreted or considered in isolation. Instead, EDTs must look at all of the formal and informal data regarding the child's academic achievement and neurological processing abilities. This evaluation must also include a review and/or assessment of all components within a specific area of difficulty. For example, if a concern is in the area of reading comprehension, all other areas of reading, such as phonemic awareness, phonics, reading fluency, and vocabulary, must be investigated, as deficits in any one of these areas could be the root cause of problems with comprehension.

[Slide 43] Finally, it is important to recognize that decisions regarding transition assessments need to be highly individualized for each child and situation. In New Mexico, transition planning must be documented on the first IEP in effect when the child turns 14 or during their 8th grade year, whichever happens sooner. This type of transition planning specifically relates to the child's progression from the public schools to post-secondary settings. However, EDTs should recognize first, that this planning may need to start earlier for some children and second, that transitions occur throughout a child's school tenure. For example, children transition from preschool to elementary school, from elementary school to middle school, between schools, and so on. EDTs should ensure that they have the information

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necessary to support children through all of these critical transitions, as appropriate for each individual child.

[Slide 44] Potential Additional Components

It is the responsibility of the team to answer any questions that may arise throughout the evaluation process, including what eligibility category best describes the child's primary disability and what supports and services the child needs. The highly recommended evaluation components that we've discussed should help teams answer many of the questions that they might have, but in some situations, teams may require additional information. NM TEAM presents a list of potential additional components that can be found in the Initial Evaluation section of the NM TEAM category of SLD. This list may be helpful as teams make eligibility determination decisions, but should not be considered as the only additional areas that the EDT may wish to explore. We will talk about a few of those components now.

One of the potential additional components for an evaluation under the category of SLD is a speech, language, and communication evaluation. If the EDT has any concerns about the child's oral expression or listening comprehension, an evaluation of the child's skills in these areas is essential. Please remember that appropriate Tier 2 interventions must have been implemented, monitored, and documented in order for the EDT to determine that a child is eligible under the category of SLD in one of these areas. Please remember that the EDT must identify the most appropriate person to conduct and interpret each component of an evaluation.

Another additional component under the category of SLD may be a functional behavior assessment. This information can help the team identify the relationship between a potential SLD and behaviors such as task initiation, work completion, and noncompliant behavior. This information, including the child's response to appropriate behavior supports and interventions, will aid the EDT in making an appropriate eligibility determination decision, as it will shed light on the primary reason for the child's academic difficulties.

[Slide 45-68] Eligibility Determination Process for Specific Learning Disability

[Slide 45] Before we examine criteria that are specific to the eligibility determination decision for SLD, we would like to remind you that general information regarding the eligibility process and use of the eligibility determination worksheets is presented in the module, "Eligibility Determination and Use of Eligibility Determination Worksheets." We encourage you to listen to that module and to review the information presented in the NM TEAM in "Section Six. Essential Components of Eligibility Determination."

For this discussion, you will find it helpful to refer specifically to the "Eligibility Determination" and "Eligibility Determination Worksheets" sections within the SLD chapter of the NM TEAM.

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[Slide 46] To determine that a child is eligible for special education and related services as a child with SLD, an EDT must first determine that the child is a child with a disability, and second that the child demonstrates a need for specialized instruction as a result of his disability.

[Slide 47] The Eligibility Determination Worksheets are structured to guide the EDT in making these decisions. They provide a detailed road map to guide teams not only in working through the process, but also in documenting their decisions. We will use the SLD worksheets as a guide for the rest of this discussion. You will note that the order of the questions on the SLD worksheets is slightly different from all of the other eligibility category worksheets. This is because this is the only eligibility category that provides two different frameworks for interpreting the data when making eligibility determination decisions.

The NM TEAM provides two worksheets to guide EDTs in determining eligibility under the category of SLD. One worksheet addresses the Dual Discrepancy method and can be used for any child, if the EDT determines that the Dual Discrepancy method would be the most appropriate method to use. This method must be used for children in kindergarten through 3rd grade. The other worksheet guides EDTs in interpreting the evaluation data using the Severe Discrepancy method. This method should not be used for children in kindergarten through 3rd grade. These two worksheets and the process for completing them are very similar, and in fact, the intent behind the questions is the same across both worksheets. The method of interpreting the data used is different for a few of the questions. We will walk you through both of these worksheets at the same time, highlighting any differences.

[Slide 48] First, for both worksheets, the EDT must document relevant identifying information and the assessment and evaluation data they have collected for use during the eligibility determination process. This information must reflect data collected from multiple data sources.

[Slide 49] Second, under the “Determine the presence of a disability” section, the EDT will address eight questions that specifically relate to determining if a child has SLD.

The first four questions are the same on both worksheets.

[Slide 50] Questions 1 and 2 require that the EDT discuss the child’s learning opportunities and instruction. A critical part of the definition of SLD is that the child is demonstrating academic underachievement despite appropriate instruction. In order to make this determination, the EDT must consider the interventions and learning opportunities that the child has received.

To answer the first question, EDTs must evaluate the instruction and interventions that the child has received to determine if he has received “high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings.” It is imperative that EDTs answer this question within the context of the referral questions and areas of identified need. For example, if the child was referred for a comprehensive evaluation due to difficulty with reading, the EDT must respond to this question specifically related to the reading instruction and interventions the child received. For

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this child, the EDT would be tasked with determining if the reading instruction and interventions that the child received was appropriate given the child's needs and implemented with fidelity.

[Slide 51] The second question is also related to instruction. This question requires EDTs to evaluate the child's learning experiences and instruction within the context of either the child's age or State-approved grade-level standards. Again, the EDT should answer this question within the context of the difficulties the child is demonstrating. It is possible that a child has received "high-quality, scientific, research-based instruction," but this instruction has not included content that is appropriate for his grade-level. This could occur if the child is receiving interventions using a curriculum program that is designed for younger children or moves at a slower pace than the standard curriculum. For this child, although the EDT would be able to answer "yes" to question 1, they might answer "no" to question 2, indicating that the child has not had learning experiences and instruction appropriate for his age and/or grade. If the child is struggling in math, for example, the EDT must consider the learning opportunities and instruction that the child has received in the area of math and ensure that the child has had appropriate instruction in age- or grade-level math skills. This would include a consideration of the child's access to grade-level curriculum. An EDT cannot determine that a child is demonstrating academic underachievement when the primary reason that the child is struggling is lack of opportunities and/or appropriate instruction in age- or grade-appropriate content. If the EDT determines that the child's instruction, learning opportunities, and instruction meet the criteria as described on the worksheet, they would check "Yes" on the worksheet.

[Slide 52] The next question, which is the third question on both worksheets, outlines the exclusionary criteria under the eligibility category of SLD. To respond to this question, EDTs must consider the other factors that may explain the child's learning difficulties. There are eight different exclusionary factors under the category of SLD, including, lack of appropriate instruction in reading and math; other types of disabilities, such as sensory impairments and emotional disturbance; and cultural, language, and environmental or economic factors. If the EDT determines that one or more of these other factors is the primary reason for the child's learning difficulties, then the child could not be identified as a child with SLD. We will now talk about each of these eight exclusionary factors in more depth.

The first two exclusionary factors correspond to the first question on the worksheets for all of the other eligibility categories. They address lack of appropriate instruction in reading and lack of appropriate instruction in math. If the EDT has answered "yes" to the first two questions on the SLD worksheet, as we've described previously, they would also answer "yes" to these questions regarding reading and math, as they would have already determined that the child has received appropriate instruction. Additionally, if the EDT is considering more than one potential eligibility category, these first two questions on the SLD worksheet would be answered the same and would use the same documentation as the first question on the worksheets for another eligibility category.

The next three factors relate to specific disability areas, namely motor or sensory disabilities, intellectual disability, and emotional disturbance. Sometimes EDTs may need to complete more than one eligibility

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worksheet simultaneously before being able to respond to these questions. However, it is not necessary that the EDT complete other worksheets in all circumstances. Any documentation, whether or not the EDT completed a worksheet for another eligibility category, must be thorough and clearly document how the EDT reached their decisions.

The final three factors relate to cultural factors, limited English proficiency, and environmental or economic factors. As we've discussed earlier, EDTs cannot use these factors as a way to deny a comprehensive evaluation to a child or to find that a child isn't eligible for special education and related services without a thorough examination of these factors. Although the eligibility category of SLD has eight exclusionary factors, these three factors of culture, limited English proficiency, and environment or economics, are perhaps the most difficult of the factors to understand and to consider for many reasons. For example, it's impossible to quantify information regarding these factors, it may be difficult to obtain thorough information, the impact of these factors may vary widely across children, and these are often highly sensitive areas to discuss. Information related to these three factors must be considered within the context of all of the evaluation data and EDTs must rely on the collective expertise of the entire team, not simply one or two members.

Once the EDT has discussed each of these factors, they would answer either "Yes" or "No" to each of these eight factors. An answer of "Yes" communicates that, "Yes, the EDT has eliminated the possibility that the child's learning difficulties are the result of that particular factor." An answer of "No," on the other hand, indicates that the EDT considers that factor to be the primary reason for the child's learning disabilities. Any "No" response would indicate that the child could not be identified as a child with SLD as defined by IDEA and NMAC.

[Slide 53] The fourth question on both of the worksheets asks the EDT to determine if another eligibility category better describes the child's disability. It is possible that a child demonstrates more than one disability, but if the EDT determines that SLD best describes the child's disability, they would respond "Yes, we've determined that no other category better describes the child's disability." On the other hand, if the child has SLD but also has another disability, and the other disability better describes the child, the EDT would answer "No, we've determined that another category better describes this child's disability." In either case, it is likely that the EDT will need to complete the "Determine the presence of a disability" section on one or more worksheets for the other eligibility categories being considered. In other chapters, this question comes towards the end of the eligibility determination process, but in the SLD chapter it is the middle.

[Slide 54] The fifth question asks the EDT to document the specific academic achievement difficulties the child is experiencing. Although the question outlines the same eight academic areas on both the Dual Discrepancy and Severe Discrepancy worksheets and permits the use of the same types of data under both models, the way in which the EDT analyzes the data to respond to this question is different between the two models.

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On the Dual Discrepancy worksheet, the EDT would respond to this 5th question by considering the child's level of academic achievement, or Factor 1, under each of the eight SLD areas. According to IDEA, it is essential that EDTs consider data from a variety of sources, including standards-based assessments, short-cycle assessments, individual academic assessments, classroom-based assessments, and/or curriculum-based measures. EDTs should remember that they must not rely solely on one test or one type of assessment when answering this question. Instead, they should consider data from multiple sources, including both standardized assessments and classroom-based performance. These data must demonstrate that the child is performing at least 1.5 standard deviations below his peers of the same age and/or grade. In most districts, the level of academic achievement data based on standards-based assessments will be collected and reported by SAT, but the EDT is responsible for ensuring that all available academic achievement data are considered when making eligibility determination decisions and that decisions are not made solely based on standards-based assessment data. To answer "yes" to this question, the data must support a pattern of academic underachievement in at least one of the eight areas.

[Slide 55] On the Severe Discrepancy worksheet, the EDT would respond to this 5th question by considering the same types of data that they would use if they were completing the Dual Discrepancy worksheet. The difference between the two methods is that under the Severe Discrepancy method, EDTs are not required to document a specific level of statistical difference between the child's performance and that of his peers because this method compares predicted and actual academic achievement. However, in order to determine that a child has an SLD, EDTs must still determine that the child is not achieving adequately. Although a specific level of difference is not identified under IDEA, NMAC, or in the NM TEAM, in most cases, EDTs would consider answering "Yes" to this question if the child is performing at least 1 standard deviation below his peers of the same age and/or grade.

If the EDT has determined that the child's level of academic achievement is low enough to demonstrate that the child is not achieving adequately for his age or to meet State-approved grade-level standards, the EDT would answer "Yes" to each of the corresponding academic areas. For any academic area that the child is achieving adequately, the EDT would answer "No."

[Slide 56] The sixth question is the same for both the Dual Discrepancy and the Severe Discrepancy method. This question asks EDTs to consider whether the child demonstrates a basic neurological processing deficit. As we've discussed earlier, there are a wide range of neurological processing deficits that children with SLD may demonstrate. These include working memory, phonological processing, short- and long-term memory, visual processing, as well as others. Again, EDTs should not rely on a single assessment or subtest to make this determination. Instead, they must always consider data from a variety of sources, including both formal and informal measures. This could include standardized tests, behavioral observations, and performance on classroom activities. In answering this question, EDTs should look across the evaluation data and the child's history. In general, children with neurological processing deficits will demonstrate a pattern of difficulties across time that directly relates to the underlying processing problem and the academic area or areas of concern. If the EDT identifies a basic

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neurological processing deficit using a variety of data sources, they would answer “Yes” to this sixth question. Otherwise, they would answer “No.”

[Slide 57] The seventh question is different under the two methods and we’ll address each of them individually. We’ll talk first about how to answer this question under the Dual Discrepancy method.

Under the Dual Discrepancy method, this seventh question relates to Factor 2, which is the child’s rate of improvement or patterns of strengths and weaknesses. The child’s rate of improvement must always be calculated under the Dual Discrepancy method. Rate of improvement refers to the progress that the child makes in his academic performance.

[Slide 58] To answer this question, EDTs would examine the child’s short cycle assessment data, which will likely include his performance on progress-monitoring assessments. The EDT must look at the child’s performance across at least two data points and determine if the child is progressing at the same rate as his peers. If the child’s rate of improvement is lower than the rate of improvement for his peers, the EDT would answer “yes” to this question. On the other hand, if the child’s rate of improvement is not lower than his peers, then the EDT may determine that the child does not meet this criteria and is not eligible under the category as SLD. However, if the EDT reviews the data and there is strong evidence that the child demonstrates the characteristics of a child with SLD, then the EDT may consider a pattern of strengths and weaknesses under question seven.

[Slide 59] An EDT would determine the “patterns of strengths and weaknesses” portion of question 7 by examining data related to the child’s performance, achievement, and/or cognitive abilities. These data would include information gathered from short-cycle assessments, curriculum-based measures, individual academic achievement assessments, and/or classroom-based assessments. EDTs should compare the child’s performance data to age, State-approved grade level standards, or intellectual development. If the EDT determines that the child demonstrates a highly consistent pattern of strengths and weaknesses across multiple data points gathered from a variety of sources, they would answer “Yes” to this seventh question, indicating that the child demonstrates a pattern of strengths and weaknesses and meets Factor 2 under the Dual Discrepancy method.

[Slide 60] Under the Severe Discrepancy method, the EDT would consider the child’s predicted and actual achievement levels. In most cases, the EDT would use standardized assessment data from cognitive assessments to obtain the child’s predicted achievement level and standardized assessment data from achievement assessments to obtain the child’s predicted achievement level.

[Slide 61] In general, differences of 1.5 standard deviations or more are considered a severe discrepancy. It is important that EDTs remember to use the Regression Table in the NM TEAM if the cognitive and achievement assessments used are not co-normed.

In looking at the predicted and actual achievement levels, EDTs should remember that they must consider more than just standardized assessment data to answer this question. Before answering this

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question, they should consider the standardized assessment data in comparison to data collected from other sources regarding the child's academic achievement and cognitive abilities. This is essential in order to be able to document that the standardized assessment results are valid representations of the child's true abilities. If the EDT determines that the standardized assessment results are valid and that the child demonstrates a severe discrepancy between his predicted academic achievement and his actual achievement in one or more academic areas, the EDT would answer "Yes" to this question on the worksheet.

[Slide 62] And finally, the eighth question on the worksheets is the same for both the Dual Discrepancy and Severe Discrepancy methods. This question asks EDTs to consider all of the evaluation data that they have collected and their answers to all of the questions on the worksheet. If the data support the conclusion that the child is a child with SLD, the EDT would answer "yes" to this final question and move forward to the next step in the eligibility determination process: determining the need for specially designed instruction.

In addition to answering each of the questions "Yes" or "No" in this section, it is critical that the EDT briefly describe the documentation that supported each of their decisions.

[Slide 6] Each of the eight questions serves as a stopping point in the process if the EDT answers "no." Once the EDT has answered "no" to any of the eight questions, they have determined that the child is not a child with SLD. If this occurs, the EDT should stop moving through those eight questions. If the EDT either is not considering another potential eligibility category or has already completed the "Determine the presences of a disability" section for other potential categories, the EDT should move to the "Determination of eligibility for special education and related services" section of the worksheet. At this point, the EDT will document the determination that "The child is not eligible under the eligibility category of SLD." They also need to indicate why that decision was reached by indicating either that the child doesn't have SLD or that a different category best describes the child's disability. The process then stops for this eligibility category.

The response to all of the eight questions in this section of the worksheet must be "yes" in order to proceed to the section of the worksheet, "Determination of the need for specially designed instruction." Remember, if you have even one "No" response, you skip over the "Determination of the need for specially designed instruction" section.

[Slide 64] To determine the need for specially designed instruction, using the assessment and evaluation data collected, the EDT must determine if, as a result of SLD, the child requires special education and related services in one or more areas outlined in IDEA.

[Slide 65] These areas include: being involved in and making progress in the general education curriculum or developmentally appropriate activities; participating in extracurricular and other nonacademic activities; and/or being educated and participating with other children with and without

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disabilities. The EDT must answer “Yes” to at least one of the questions in this section of the worksheet to say that the child requires specially designed instruction because of needs resulting from SLD.

[Slide 66] After answering these three questions, the EDT moves into the final phase of the eligibility determination process—documenting the final eligibility determination decision. This section of the worksheet, “Determination of eligibility for special education and related services,” allows EDTs to document that either the child is eligible for special education and related services under the category of SLD, is not eligible under the category of SLD, or that more information needs to be collected to make a determination.

[Slide 67] If the EDT determines that the results of the evaluation indicate that the child requires specially designed instruction as a result of SLD, the child would be eligible under the category of SLD.

[Slide 68] If the EDT determines that the child is not eligible under the category of SLD, they must indicate the rationale for that decision by checking one of the four options within that decision. These options allow EDTs to document either that the child doesn’t have SLD or any other disability, that the child does not have SLD, but is eligible under another eligibility category, that the child has SLD but another eligibility category better describes the child’s primary disability, or that the child has SLD, but doesn’t demonstrate a need for specially designed instruction. This section allows for the documentation that a different eligibility category better describes the primary disability.

EDTs should clearly read the questions presented on the worksheet and determine which situation most accurately describes the child being evaluated. Any child who is found to be “not eligible” for special education and related services must be referred to the SAT.

Finally, if the EDT is unable to make an eligibility determination, they may identify additional information that need to be gathered. They would then reconvene later to make the final eligibility determination decision.

[Slide 69] Reevaluation and Discontinuation of Services

The Reevaluation worksheets in the NM TEAM will support the EDT through the documentation and decision-making process during reevaluations.

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary, even if special education supports are discontinued.

[Slide 70] Closing

Thank you for participating in this NM TEAM training module. We hope this information has been helpful in clarifying and expanding on the information presented in the manual.