



NATIONAL  
ASSOCIATION OF  
SCHOOL  
PSYCHOLOGISTS

## NASP Recommendations for IDEA Reauthorization: Identification and Eligibility Determination for Students With Specific Learning Disabilities

The National Association of School Psychologists (NASP) appreciates the approach Congress is taking to improve the focus on early identification and intervention for students with academic deficits, particularly reading and other learning problems, as well as behavioral issues. NASP strongly supports efforts to intervene as early as possible to avoid more costly and extensive services down the road. NASP also supports the Administration's position that schools can and should address many needs of students within the general education curriculum, without having to place them in special education. This approach can only succeed, however, if adequate services are accessible in the general education setting.

For many years, NASP has called for alternative and nondiscriminatory approaches to assessment, data-based decision-making, problem solving models, and other supports for at-risk students in both general and special education. The following recommendations reflect existing NASP positions, standards and values. While recognizing that no single model of identification of Learning Disabilities will address all philosophies and concerns, the recommended Three Tiered Model reflects best practices in assessment and data-based decision-making. **While calling for elimination of an IQ-achievement discrepancy criterion, NASP nevertheless recognizes the critical importance of comprehensive assessment and the essential role of school psychologists in evaluating cognitive functioning, response to intervention, and program outcomes.**

### NASP recommends the following modifications to IDEA:

1. Maintain current *definition* of LD in law (IDEA 1997), but change *eligibility criteria* in regulations.
2. Eliminate use of the *scientifically unsupported* ability-achievement discrepancy requirement.
3. As an alternative, introduce a *multi-tiered model* that is based on the dual criteria of significantly low underachievement and insufficient responsiveness to intervention. The multi-tiered model ensures that students with learning problems receive supports in general education in a timely manner. These supports specifically include:
  - a. Curriculum-based assessment and targeted interventions to ensure acquisition of literacy and numeracy skills during the primary grades, and
  - b. A systematic problem-solving process.
  - c. Availability of appropriately trained and credentialed personnel to provide consultation in the design and evaluation of relevant interventions.

Characteristic features of the multi-tiered model are as follows (as elaborated upon in Appendix A):

- Tier 1: High quality instructional and behavioral supports for all students in general education*
- Tier 2: Targeted intensive prevention or remediation services for students whose performance and rate of progress lag behind the norm for their grade and educational setting*
- Tier 3: Comprehensive evaluation by a multi-disciplinary team to determine eligibility for special education and related services*

4. **Multidisciplinary teams** conduct educational evaluations as the final step, or tier, for purposes of eligibility determination and, if needed, IEP development. Evaluations consist of:
  - a. Design (or re-design) and implementation of *individualized interventions*, charting progress on specified academic skills relative to peers in the same educational setting, and

- b. Individual *comprehensive* assessments as needed, to identify strengths and weaknesses in relevant skills areas and to rule out other disabilities or non-cognitive factors as the primary cause of low achievement.
  - c. Evaluations and determinations about eligibility conducted by *certified professionals* with the requisite training and skills to analyze the child's suspected learning problems (e.g., school psychologist, special education teacher, speech language pathologist).
5. Support *implementation* of the Three-Tiered Model through the following actions:
- a. *Phase in* new eligibility procedures by grade level, requiring first that all schools with grades K through 4 establish the three-tiered model.
  - b. Allow states and school districts to support qualifying Tier 2 activities (e.g., pre-service and in-service training, consultation, materials, data collection and program evaluation) through a *combination of special education and general education funding sources*.
  - c. Establish *demonstration sites* in selected school districts through a competitive RFP process and track results through a national evaluation network. The purpose of these sites is to determine how the new model impacts LD identification rates and the academic progress of at-risk students.
  - d. Provide *professional development training and pre-service education* to all Pre K – Grade 12 general, special education and related services personnel on the multi-tiered model and on implementation and monitoring of research-based interventions.

School psychologists often act as the bridge between special education and general education programs, school and community-based programs and services, and parents and the school community. Most importantly, we are specifically trained to link mental health and learning deficits to successful academic interventions. For these reasons, we are integral players in successful and effective application of IDEA principles and practice. Under the proposed Three-Tiered Model, school psychologists are key members of teams in designing and supporting Tier 2 interventions; designing and implementing appropriate assessment activities at Tier 3; and providing training and evaluation activities to support the model at all levels.

**Legislative Recommendations:**

NASP is largely supportive of the LD language in H.R. 1350. However, we believe that there must be an assurance that a comprehensive evaluation will still be conducted. Additional language to require a comprehensive evaluation, conducted by an appropriately trained professional, is the best way to ensure that eligibility determinations are scientifically valid and address concerns of overidentification.

Insert after new language in HR 1350,  
 Part B, Sec. 614, (b) EVALUATION PROCEDURES  
 (6) SPECIFIC LEARNING DISABILITY

***Insert after (A)***

- (i) In determining whether a child has a specific learning disability, the child shall receive a scientifically-valid, comprehensive evaluation in compliance with the evaluation requirements of the Act (Sec. 614(b)(2)). The results of this evaluation shall be included with any data collected during research-based interventions for the consideration of the IEP Team.
- (ii) The comprehensive evaluation may include:
  - (I) indirect sources of information such as parent, teacher and student interviews; work products; review of pertinent records,
  - (II) direct observation,
  - (III) documentation of response to general education interventions,
  - (IV) individual assessment, as prescribed by the evaluation team that may include norm-referenced and criterion-referenced measure of cognitive and academic skills as well as indirect sources of data.

*For more information on NASP views and concerns regarding IDEA reauthorization, please contact Libby Nealis, NASP Director of Public Policy at 301-657-0270 ext.223 or Lnealis@naspweb.org*