



NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS

**IDEA Reauthorization
Individuals with Disabilities Education Improvement Act of 2003
H.R. 1350, Passed by the House April 30, 2003
S. 1248, Reported in Senate November 3, 2003**

Legislative Changes in the Evaluation of Learning Disabilities

Section 614 (b)

(6) SPECIFIC LEARNING DISABILITIES

*(A) ... when determining whether a child has a specific learning disability as defined in section 602(29), a local educational agency **shall not be required** to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.*

(B) ADDITIONAL AUTHORITY

*In determining whether a child has a specific learning disability, a local education agency **may** use a process that determines if the child responds to scientific, research-based intervention **as part of the evaluation procedures described in paragraphs (2) & (3).***

The Senate Committee on Health, Education, Labor and Pensions (HELP) added the above underlined text to ensure that any problem-solving method of determining learning disabilities is part of a more comprehensive evaluation process. Paragraphs (2 and (3) refer back to the beginning of Section 614 (b) as it appears below. This is identical in both H.R. 1350, S. 1248, and unchanged from current law. (House staff have unofficially conceded to the Senate language.)

Also note that the definition of specific learning disability referred to above as section 602(29) remains unchanged from current law.

Section 614 (b) EVALUATION PROCEDURES

(1) NOTICE- The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

(2) CONDUCT OF EVALUATION- In conducting the evaluation, the local educational agency shall--

(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining--

(i) whether the child is a child with a disability; and

(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum, or for preschool children, to participate in appropriate activities;

- (B) not use any single procedure, measure, or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and*
- (C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.*
- (3) ADDITIONAL REQUIREMENTS- Each local educational agency shall ensure that--*
- (A) tests and other evaluation materials used to assess a child under this section--*
- (i) are selected and administered so as not to be discriminatory on a racial or cultural basis;*
 - (ii) are provided and administered, to the extent practicable, in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally;*
 - (iii) are used for purposes for which the assessments or measures are valid and reliable;*
 - (iv) are administered by trained and knowledgeable personnel; and*
 - (v) are administered in accordance with any instructions provided by the producer of such tests;*
- (B) the child is assessed in all areas of suspected disability; and*
- (C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.*

Additional opportunities to offer interventions to students with learning or other disabilities, or any student with academic or behavioral difficulties, not yet eligible under IDEA, are provided in:

Sec 613 (f) EARLY INTERVENING SERVICES

(1) (paraphrased) LEAs may use not more than 15 % of IDEA funds (in combination with other funds) to develop and implement comprehensive coordinated prereferral educational support services for students in K-12 (particular emphasis on K-3) who have not been identified as needing special education or related services “but who need additional academic and behavioral support to succeed in a general education environment.”

(2) Activities include: professional development, providing educational and behavioral supports and services, and “developing and implementing interagency financing structures for the provision of these supports and services.”

Note: Specific information on IDEA Reauthorization legislative proposals, including the most recent versions of the House and Senate bills, press releases, and summary information, can be found at: <http://nasponline.org/advocacy/IDEALinks.html> and <http://www.nasponline.org/advocacy/IDEAinformation.html>

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