Special Education Eligibility: When is a Speech-Language Impairment Also a Disability?

Presenter: Lissa Power-deFur, Ph.D., CCC-SLP, ASHA-F

Moderated by: Amy Natho, M.S., CCC-SLP, CEU Administrator, SpeechPathology.com

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SPECIAL EDUCATION ELIGIBILITY:
When is Speech-language Impairment also a Disability?

A presentation for speechpathology.com
July 21, 2015
Lissa Power-deFur, Ph.D., CCC-SLP, ASHA-F
Longwood University, Farmville, Va.
As an SLP beginning your first year of work in a local school district, you are confused about how children with speech-language disabilities become eligible for special education. As the specialist in speech and language, isn’t it your decision? Why does the team seem to overrule you?

Our Agenda

- Federal, state and local authority for special education policies and procedures
- Federal requirements for evaluation for special education
- Federal requirements for eligibility determination for special education and related services
- “Adverse educational effect”
- Evaluation and eligibility best practices

Learner Outcomes

As a result of this Continuing Education Activity, participants will be able to:

1. Explain special education eligibility requirements
2. Identify the components of an evaluation for special education that are needed to determine eligibility
3. Identify the requirements to be eligible for “related services” under IDEA
At the end of this session you should be more comfortable “marrying” your expertise as an SLP with the requirements of special education.

Special education was created in 1975 by federal law (EHA, now IDEA) to identify a “child with a disability” to receive a “free appropriate public education” (FAPE)

Image from www2.ed.gov
IDEA provides funds to states that comply with special education requirements

States and localities generally cover 2/3 cost of public education

States may add requirements to federal law, but may not add requirements that conflict

- Specific procedures for identifying specific disabilities
- Timelines for completing evaluations
- Qualifications of personnel conducting evaluations

Local school districts may add procedural requirements, as long as they do not conflict with federal or state requirements

- Procedures for completing referral
- Specific standardized tests
Federal law establishes eligibility requirements. States and localities may add to these requirements, but may not diminish students' rights.

Since special education is a funding stream, the U.S. Department of Education requirements must be followed in order to receive federal funds.

How Does A Child With A Speech-language Disorder Become A “Child With A Disability” Who Is Eligible To Receive Special Education Services?
The SLP serves as a member of a team of education professionals who determine eligibility as a child with a disability under IDEA.

- The SLP completes the assessment to describe the presence of a speech, language, voice, fluency, or swallowing impairment.
- The team uses this and other information to determine if the child meets the standards for eligibility.

The eligibility team is responsible for making the decision as to whether the child meets the IDEA criteria for eligibility.

- SLP
- General education teacher
- Parent
- Administrator
- Others, as appropriate

IDEA establishes a “two-prong test” for a child to be eligible for special education

- Does the child meet the criteria associated with one of the disability categories in IDEA (a “child with a disability”)?
- Does the child need special education and related services as a result of this disability?

AND
1st Prong: Is there a disability under IDEA?

- Autism
- Deaf-Blind
- Deaf or Hard of Hearing
- Developmental Delay
- Emotional Disability
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech Language Impairment
- Traumatic Brain Injury
- Visual Impairment

Speech-language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.”

(34 C.F.R. Section 300.8(c)(11))

How is “adversely affects educational performance” determined?

- According to a letter the US Dept. of Education wrote to ASHA in 1980 stated …
  - “There is strong support in the Act for a broad construction of the term ‘educational performance.’…”
  - The meaning of ‘educational performance’ cannot be limited to showing of discrepancies in age/grade performance on academic subject-matter areas.
  - In the event that the SLP establishes through appropriate appraisal procedures the existence of a speech/language impairment, the determination of the child’s status cannot be conditioned on a requirement that there must be a concurrent deficiency in academic performance.”
  - This policy interpretation has not changed since 1980.
Conclusion: The decision regarding “adverse affect on educational performance” cannot be conditioned on a discrepancy in age/grade performance in an academic subject/matter area.

• See Dublinske article on ASHA web site for further information.

2nd Prong: Does the child need special education?

• Special education is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability (34 CFR Section 300.39(a)(1))

• Specially designed instruction is
  • adapting the content, methodology or delivery of instruction to address the unique needs of the child that result from the child’s disability
  • ensuring access of the child to the general curriculum to meet the educational standards that apply to all children
  
(34 CFR Section 300.39(b)(3))
IDEA provides that speech-language services may be either special education or related services. If the child has no other disability, the child would receive speech-language services as special education.

Related Services are those Services that are required to assist a child with a disability to benefit from special education …” (34 C.F.R. Section 300.34)

- Speech-language services
- Occupational Therapy
- Physical Therapy
- Psychology
- Nursing
- Transportation

To receive related services a child must
✓ Must be found eligible for special education
✓ Need related services to benefit from special education.

A student with another primary disability would be receive speech-language services if they are necessary to benefit from primary special education services.
The IEP team makes the decision regarding the type and amount of related services a child would receive.

Image from www.familyconnect.org

What is the difference between ‘speech only’ and ‘speech as a related service’

“Speech only” – children who have only a speech-language impairment

“Speech as a related service” – children with another primary disability AND need speech-language services to benefit from special education

SO, HOW DOES THIS REALLY WORK?
First Step: Referral

- Referral procedures are generally set by localities.
- Best practice for non-school personnel: put referral in writing to director of special education

• Dear Mrs. Smith,
  • I’d like to refer my daughter for an evaluation for special education as I am concerned that ....

Next Step: Review of Existing evaluation data.
A team professionals and parents reviews existing evaluation data to determine if an evaluation is needed to determine if the child meets eligibility criteria.

The existing data may include information from outside sources

- Medical
  - Physician, hospital, medical social worker
  - PT, OT, speech-language pathology

- Other public or private schools
- Early intervention agencies
Pre-referral intervention (e.g., Response to Intervention) may be conducted prior to evaluation, but may NOT hold up the evaluation.

- Be sure to check state and local policies.

Response to Intervention (RtI)

- Intervention strategies in the classroom for all students (Tier 1)
  - High quality instruction with breadth of learning opportunities. Activities may be tailored to individual needs

RtI: Tier 2

- Intervention strategies in-class for small group instruction
  - Increased differentiation and support for certain students
RtI: Tier 3

- Instruction for smaller groups or one-on-one
  - More intensive, frequent and individualized activities and supports.

The child's parents must consent to the evaluation and must be informed of the evaluation results prior to the eligibility meeting.

The evaluation will include formal and informal assessments as well as observation in the classroom.
First decision: Does the child have a speech-language impairment?

- SLP presents information about presence of speech-language impairment, including information about the relation to the child's educational environment
- As a group, the team identifies if this meets the definition of speech-language impairment.

The team must differentiate communication disorder from language difference (e.g., local dialects, English Language Learners)

- The SLP must account for local dialects and the impact of being an ELL in his/her assessment.

If the child is found to have a disability under IDEA, the team then makes a second decision:

Does the child need special education (special instruction) or related services (support for special education)?
The team may find the child eligible for related services, if speech-language services are needed to benefit from special education.

What if you receive a doctor’s order for therapy?
The provision of speech-language services in schools is an educational decision, not a medical decision.

By federal law, it is made by the eligibility team, and cannot be made by a single individual.

The physician may serve as an invited member of the team.

His/her report should be considered by the team, but there is no mandate that it be followed.

WHAT DOES A STRONG SPEECH-LANGUAGE ASSESSMENT LOOK LIKE?
• Information from the parents
• Hearing screening
• Formal and informal assessment of articulation, language, voice, and fluency
• Observation in the classroom
• Review of classroom artifacts
• Review of student record
• Information from the teachers
• Intervention data

Information from the parents must include the parents’ concerns and view of the child’s strengths and needs.

• A variety of state education agencies have parental checklists

Standardized assessments are norm-referenced assessments allowing for comparison across children to classify children.

• Be sure norms reflect your schools’ population in terms of age, gender, geographic area, disability, and socio-economic status
How do you determine if this norm-referenced test is appropriate for your student?

- Review normative sample
- Know your community demographics
- Recognize that norms were created at certain time (usually updated after 7 years)
- Recognize tests designed to create a normal "bell curve"

What about administering tests with nonstandardized administration when we have ELL students?

- Use appropriate interpreter
- Carefully report nonstandardized administration and responses
- Do NOT use test scores (stanine, percentile, etc.)
- Describe test results, language use and performance

When interpreting norm-referenced tests, describe student performance in addition to providing test scores!

- Areas of strength (with examples)
- Areas of need (with examples)
- Delayed responses
- Problem-solving strategies
Standardized assessments reminders:

- **Do not use test scores** if you vary from any procedure in ANY fashion.
- Report results clearly (purpose, standard score, stanine, percentile)
- Be sure the test’s norm group is representative of your community

- Review the test to ensure the vocabulary and/or pictures are not dated or are representative of certain students
- Never use subtests alone (unless permitted by the test manual permits)
- Only compare with other tests (including IQ tests) when research confirms relationship between tests

Criterion-Referenced Tests are used to measure student performance relative to predetermined performance level

- These are measures of mastery and do not compare students.
Curriculum-based assessments provide student performance on skills expected by the general education curriculum.

Image from www.oswego.edu

Dynamic assessments are designed to measure what a student does, can do, can do with assistance and cannot do.

Dynamic assessments can be used as part of pre-referral intervention.

- Be sure to follow state and local policies regarding pre-referral intervention (e.g., parental consent)
Speech and language sampling is a valuable, functional assessment of the child’s articulation/phonology and/or language skills (e.g., PCC, MLU, T-units).

Observe the child in the classroom to identify the language demands and the child’s performance.

- Low demand comprehension and expression activities
  - routines, social conversation
- High demand comprehension and expression activities
  - following multi-step, non-routine directions
  - responding to specific content questions in the classroom

Va Department of Education (2011)
Speech-Language Pathology in Schools: Guidelines for Best Practice

Use teacher and parent checklists to gather information on such behaviors as:

- Understanding student
- Teasing
- Effect on academics, friendships
- Attending
- Following directions
- Understanding curriculum
  - vocabulary/concepts
- Asking questions
- Hesitations or pauses
- Pronunciation of word
Gather data from student artifacts such as journals, narratives, homework, criterion-referenced tests

- Look for ...
  - Errors in spelling
  - Grammatical errors
  - Complexity of sentence structure
  - Run-on sentences
  - Ability to adjust to interest of reader
  - Linguistic complexity of test item

Review the student record for information on state/district assessments, attendance, disciplines and universal screening results

IDEA permits use of intervention data for eligibility, especially when more sensitive than standardized assessments.

These data are especially valuable for gauging progress on remediation of speech sound disorders and acquisition of pragmatic skills.
A child is dismissed from services when found no longer eligible for special education and related services.

The same team reviews evaluation data and makes the decision that the child does not meet the two prong test for eligibility.

As an SLP beginning your first year of work in a local school district, you are confused about how children with speech-language disabilities become eligible for special education. As the specialist in speech and language, isn’t it your decision? Why does the team seem to overrule you?

Is your assessment appropriate for the educational setting? Have you considered the child’s English Language Learning status (if applicable)? Have you considered the concerns of the parents? Have you educated the team about what your assessments mean?
References


- National Association of State Directors of Special Education. (2005). Disability categories: Relation of state terms and eligibility criteria to the proportion of children receiving special education services. Alexandria, VA. Author. Available at http://nasdse.org/DesktopModules/DNNspot-Store/ProductFiles/11_4c0d2f74-6d8f-4a3e-8783-d05842b6ed75.pdf


Resources

- U.S. Department of Education, Office of Special Education and Related Services
  - http://idea.ed.gov/

- To find out about your own state’s requirements, check ASHA’s list of state education contacts
  - http://www.asha.org/advocacy/state/

THANK YOU

powerdefurea@longwood.edu