

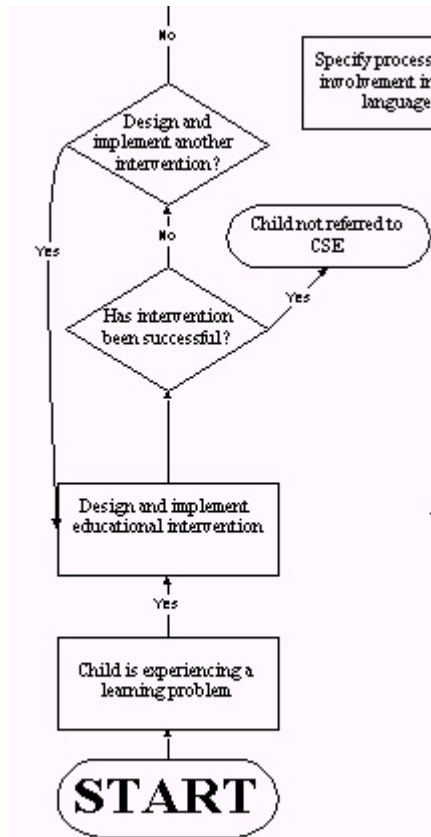
Comments on the Process for Identifying a Specific Learning Disability

One obvious, initial step, in the procedure for the determination of a learning disability is the recognition that a child is experiencing some difficulty in learning. Although it may be suggested that the next step is a direct referral of the child to a committee on special education for a complete psychoeducational evaluation, certain preconditions, that in our opinion, make clear sense, should be met. Specifically, Individuals with Disabilities Act (IDEA) notes that research has demonstrated that the education of children with disabilities can be enhanced when schools provide "incentives for whole-school approaches and pre-referral intervention to reduce the need to label children as disabled in order to address their learning needs" [SEC 601 (C) (5) (F)]. IDEA further notes that the very definition of a "Child with a disability" is one who, based on an identified disability, "needs special education and related services" [IDEA 602. (3) (A) (ii)]. If one has not attempted to intervene with a child who is having problems in school, how can one determine that the problems cannot be corrected **without** the need for special services? Prior to initiating a comprehensive evaluation, it appears "pre-referral" educational interventions must be attempted or at least described.

It should be noted that when a school institutes a pre-referral activity, a single, narrow attempt will often not be sufficient. Pre-referral activities ought to be thought of as plural, not singular. The reader is encouraged to review the extensive literature available regarding pre-referral intervention. At some point, however, those involved in the design, implementation, and evaluation of such interventions will need to decide whether further intervention will be applied or whether a referral to the Multi-disciplinary Team (MDT) will be made.

Once it has been decided that a MDT referral should be made, a comprehensive individual evaluation, as outlined in SEC. 614. (a) & (b) should be conducted. Although this particular section provides numerous details about the individual evaluation conducted by the school, there is no specific mention, nor stated requirement, for the identification of a specific processing disorder. However, if a MDT contemplates that a child will be classified as Learning Disabled, SEC. 602. (26) makes clear by its definition that this is a student with "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written"

When conducting an individual evaluation, it is important to use methods that assist in the determination of strengths and/or weaknesses in areas such as, but not limited to: memory; processing speed; phonological awareness; long-term retrieval; visual perception; and spatial visualization. Historically, this aspect of a learning disability determination has been critical in distinguishing it from other, more pervasive conditions, such as mental retardation or "slow-learner." Note, however, that the latter conditions do not automatically preclude the presence of a learning disability. For example, it is entirely possible that a child with either mental retardation or borderline intellectual ability may have a distinct weakness in one or more basic psychological processes that, in turn, leads to a severe deficit in reading skills relative to expected levels of achievement based on the student's level of intelligence.



As the determination process continues, it is important to formulate an accurate estimation of a child's expected ability and expected achievement. It seems to make logical sense that the evaluation results should accurately reflect the student's aptitude or achievement level rather than reflecting the student's impaired sensory, manual or speaking skill. It seems almost universally agreed upon that the "learning disability" affects (lowers) the scores that the child receives on the achievement testing. One should also expect a processing disorder to negatively impact measures of ability that incorporate scales or subtests measuring these processes. For example, a child with a long-term retrieval processing deficit may perform very poorly on the Verbal Scale of the WISC-III since success on some of the subtests may be dependent on this process. We have named this phenomenon "*The Mark Penalty.*"** Considerable time and effort on the part of the examiner must be taken to assess various psychological processes and their potential impact on ability estimates. This step in the evaluation process is critical since an accurate ability estimate determines the expected achievement level.

Following the determination of a best estimate of expected achievement, it is necessary to quantify the "severe discrepancy" clause of the learning disability definition [300.541 (b)]. When comparing a child's expected achievement with his or her actual achievement, the federal regulations provide seven possible areas for consideration: 1) Oral expression; 2) Listening comprehension; 3) Written expression; 4) Basic reading skill; 5) Reading comprehension; 6) Mathematics calculation; or 7) Mathematics reasoning. There are various methods for quantifying ability/achievement discrepancies, some more technically adequate than others.

Possible methods include: 1) NCE difference; 2) Simple Difference; 3) Regressed Difference; and 4) Regressed Difference with some significance test.

We believe that the use of mathematical means for the determination of a severe discrepancy should be thought of as a presumptive test, not as an exclusionary test. A child who exhibits a mathematical severe discrepancy should be considered Learning disabled only if all other necessary components are present. However, when a child does not demonstrate a mathematical severe discrepancy, the team *must still determine* whether, in its opinion, a severe discrepancy exists between expected achievement and actual achievement in one or more of the specified areas. SEC. 614. (b) (2) (B) states clearly that "The local educational agency shall - ...not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child."

Once a team has agreed upon a method, and determined that a discrepancy exists, they need to agree that the discrepancy represents a genuine academic deficit related to the presence of a disorder in one or more psychological processes. Although one cannot prove a causal relationship between the academic deficit and the processing disorder, one must demonstrate that such a connection is a reasonable assumption. Therefore, a logical explanation of how the processing disorder has negatively impacted the child's achievement is necessary.

Care must be taken to determine that the true, primary cause of any discrepancy is in fact the processing disorder. A discrepancy must not be the result of: a simple failure to teach (apedagogia); inappropriate instruction (dyspedagogia); or circumstances which may have limited a child's opportunity to achieve. The team must also determine that the discrepancies are not the direct result of a sensory or motor impairment, an emotional disturbance, or environmental, cultural, or economic disadvantage.

A final, important step prior to classifying a child as learning disabled is for the MDT to conclude that the discrepancy between actual and expected achievement is not correctable without special education. The MDT's confidence in making this particular decision will in large part be dependent upon the information gathered throughout this entire evaluation process, with particular attention paid to all previous intervention efforts.

Dumont, R. P., Willis, J. O., Janetti, J., & Farr, L. P., (2000) Process for identifying a specific learning disability. In Willis, J. O. & Dumont, R. P. (1998) *Guide to The Identification of Learning Disabilities 2000*. Acton: Copley Custom Publishing Group

**Mark 4:25: "For he that hath, to him shall be given: and he that hath not, from him shall be taken even that which he hath." The Mark Penalty is incurred when a student's disability (e.g., visual impairment, hearing loss, or learning disability basic process disorder) is allowed to depress not only measures of academic achievement, but also estimates of the student's intelligence so that the misguided examiner or benighted team concludes that there is no significant difference between the student's academic achievement and the level of achievement that would be predicted from the student's score on the intelligence test. The same disability is depressing both the student's actual achievement and the erroneous estimate of the student's intellectual ability.