

## **DETERMINATION OF A LEARNING DISABILITY**

### **SEVERE DISCREPANCY**

The existence of a severe discrepancy is one factor the district considers in determining whether a child has a specific learning disability for the purpose of determining the child's eligibility for special education services. However, it shall not be the sole criterion for determining the existence of a specific learning disability.

A severe discrepancy exists when the difference between a student's measured ability and academic achievement is greater than 1.5 standard deviation units. Wrangell Public Schools uses ability and achievement tests which yield standard scores based on a mean of 100 and a standard deviation of approximately 15. If the severe discrepancy model is used to identify a student with a specific learning disability (SLD), the discrepancy shall be determined using the standard deviation table (*see attached*) to determine the presence of severe discrepancy between intellectual ability and academic achievement. This table was developed on the basis of a regressed standard score discrepancy method developed in 1983 by the United States Department of Education – Office of Special Education Programs (ED-OSEP) work group. Correlations between full scale or composite intellectual ability scores and academic achievement test scores provide the basis for the severe discrepancy formula.

The multidisciplinary team may determine the presence of a specific learning disability in the following areas after it has been shown that a severe discrepancy exists using the criteria explained above:

- oral expression
- listening comprehension
- written expression
- basic reading skills
- reading comprehension
- mathematical calculation
- mathematical reasoning

This information will be recorded on the Evaluation Summary and Eligibility Report completed by the multidisciplinary team.

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IQ	Criterion Score	IQ	Criterion Score
69	62	97	80
70	62	98	81
71	63	99	82
72	64	100	82
73	65	101	83
74	65	102	84
75	66	103	84
76	67	104	85
77	67	105	86
78	68	106	86
79	69	107	87
80	69	108	88
81	70	109	88
82	71	110	89
83	71	111	89
84	72	112	90
85	73	113	91
86	73	114	91
87	74	115	92
88	75	116	93
89	75	117	93
90	76	118	94
91	76	119	95
92	77	120	95
93	78	121	96
94	78	122	97
95	79	123	97
96	80	124	98
		125	99

This table is intended for use with students in 1st grade and above.

## **STRENGTHS AND WEAKNESSES MODEL**

### **What is a pattern of strengths and weaknesses?**

- The assessment of a student to determine whether he or she exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual development.
- A Pattern of Strengths and Weaknesses (PSW) model provides a systematic method for looking at a wide range of cognitive processes.
- School teams may determine a pattern of strengths and weaknesses by evaluating specific areas of cognitive function, academic achievement or both and comparing those results against each other or in contrast to other measures of student performance.
- PSW includes both a normative (comparison to peers) and relative (individual significance, compared to a child's overall processing abilities) strengths and weaknesses.

### **To determine if a student demonstrates a Pattern of Strengths and Weaknesses**

- Examine the standardized academic achievement test results along with state curriculum standards and classroom performance and determine whether the child is achieving adequately (>85 or 16th percentile) in basic reading, reading fluency, reading comprehension, math calculation, math problem-solving, written expression, oral expression, and/or listening comprehension.
- Examine the child's pattern of academic strengths and weaknesses along with his/her cognitive strengths and weaknesses. Determine a research-based relationship between the area of academic weakness and the cognitive weakness(es). Determine that the cognitive weakness(es) correlates with the academic deficits within an otherwise "normal" learning pattern and that this pattern has existed over a period of time.
- Using all available data including, if needed, developmental histories, behavioral checklists, functional assessment of academic behaviors, medical statements, etc., determine that the lack of achievement and pattern of strengths and weaknesses is not primarily the result of 1) visual, hearing, or motor impairment; intellectual disability or emotional disturbance; 2) cultural factors; 3) environmental/economic disadvantage; 4) lack of appropriate instruction; or 5) limited English language proficiency.
- Team members are encouraged to use the stated criteria in conjunction with clinical judgement in cases where evidence for the learning disability is not clear cut, when a student has been homeschooled, or when test results and classroom performance are not consistent.

At 3 year re-evaluations, IEP team members MUST answer the following questions: "Does the student continue to need specialized instruction?" (This is a team decision: including parents, teachers, student, and specialists where appropriate). If "yes", the team must thoroughly document the student's need for specialized instruction. If "no", the team must thoroughly document the student's lack of need for specialized instruction.

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**STRENGTHS AND WEAKNESSES MODEL**

- Assessment of fine motor skills, perceptual motor skills, communication, social or emotional skills, and perception or memory if the team suspects that there is/are impairment(s) in one or more of these areas.
  - A medical statement or health assessment if the team suspects there are any physical factors that may be affecting the child's educational performance.
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**STRENGTHS AND WEAKNESSES MODEL**

Assessment Type	PSW Not supported	PSW Supported	Score
<b>File Review</b> Cumulative Record, Report Cards, Work Samples, Health records, Behavior, 2nd Language, Attendance, Previous IEPs	A's or B's/3 or 4 on grade level expectations  Score = 0	D's or F's/1 or 2 on grade level expectations  Score = 1	
<b>Grade Level Achievement</b> Statewide Assessments/Work Samples, MAP	"Proficient" or "Advanced" grade-level expectations. MAP score in all areas at or above 20th percentile.  Score = 0	"Below Proficient" or "Far Below Proficient" grade-level expectations. MAP score in one or more areas demonstrates achievement below 20th percentile. Score = 1	
<b>Classroom Observation</b>	The student demonstrates average to above-average understanding of academics, follows teacher's directions, and completes work accurately with the same amount of assistance as peers. Score = 0	Student demonstrates that he or she does not understand the majority of academic content, needs directions repeated; does not complete work accurately. Score = 1	
<b>CBM: Benchmarking and Progress Monitoring implementation of interventions</b>	Progress equal to or greater than peers in the same instructional setting.  Score = 0	Progress below that of the majority of peers in the same instructional setting.  Score = 2	
<b>Achievement</b> WJ-IV, WIAT-III, KTEA-2. Cluster or Composite scores should be used to define achievement levels, not individual subtests. Achievement areas: basic reading, reading fluency, reading comprehension, math calculations, math reasoning, and written expression.	Standard scores in achievement areas are all strengths (greater than or equal to 85) or all weaknesses (less than 85)  Score = 0	At least one standard score must be a strength (greater than or equal to 85) AND at least one standard score must be a weakness (< 85)  Score = 2	
<b>Cognitive Processes</b> WISC-V, WJ-IV, CTOPP-2 Cognitive areas: crystalized knowledge, fluid reasoning, visual processing, short-term memory, long-term retrieval, processing speed, and auditory processing.	Standard scores in all cognitive areas are either <b>all</b> strengths (greater than or equal to 85) or <b>all</b> weaknesses (less than 85) Score = 0	At least three standard scores must be strengths (greater than or equal to 85) not related to the area of concern <b>AND</b> At least one standard score must be a weakness (< 85) related to the area of concern. Score = 2	
Score of 7 or more - supports PSW eligibility.	Score of 7 or less - does not support PSW eligibility	Total:	<u>    </u> / 9

## **EVALUATION PROCEDURES FOR SPECIAL EDUCATION STUDENTS**

A variety of assessment tools and strategies are used to gather relevant functional, academic and developmental information about the child, including information provided by the parent. This information is used by the team to determine whether the child has a disability, the child's present levels of academic achievement and functional performance, and if eligible for special education and related services, the content of the child's IEP. The information is also used to determine whether modifications are needed to enable the child to achieve his or her annual IEP goals, and to participate in the general education curriculum. For preschool children, this information is used to help them participate in age-appropriate activities.

### **Evaluation Procedures**

All evaluations must abide by the following requirements:

1. A child must be evaluated in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional functioning, general intelligence, academic performance, communicative status, and motor abilities. In addition, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not they are commonly linked to the disability category in which the child is classified.
  2. No single assessment procedure may be used as the sole criterion for determining whether a child has a disability and for determining an appropriate educational program for the child.
  3. Evaluation materials must be technically sound and may assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
  4. Evaluation materials and procedures must be appropriate to determine the nature and extent of a learning impairment and directly assist in identifying areas of educational need.
  5. Evaluation materials and procedures must be validated for the specific purpose for which they are to be used.
  6. Evaluation of a child who may have limited English proficiency should assess the child's proficiency in English as well as the child's native language to distinguish language proficiency from disability needs.
  7. Evaluation materials and procedures used to assess a child with limited English proficiency must be selected and administered in accordance with #9 of this sub-section to ensure they measure a potential disability and need for special education, rather than English language skills.
  8. Evaluation materials and procedures must be provided in the language that most likely will yield accurate information on what the child knows and can do academically and functionally.
    - a. The native language of the child is that language normally used by the child in the home/learning environment.
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**EVALUATION PROCEDURES FOR SPECIAL EDUCATION STUDENTS**

- b. For individuals with deafness/blindness/no written language, it is the mode of communication normally used, e.g., sign language, Braille, or oral communication.
  - c. A determination of "not feasible" is made when an individual after reasonable effort cannot be located who is capable and willing at a reasonable cost to:
    - i. Communicate in the child's primary language; or
    - ii. Communicate in the child's most frequent mode of communication
  - d. If a district determines that it is "not feasible" to conduct the evaluation in the child's primary language or other mode of communication, the District must document its reasons and describe the alternatives used. Even in situations where it is not feasible to assess the child in his or her native language or mode of communication, the group of qualified professionals and a parent of the child must still obtain and consider accurate and reliable information that will enable them to make an informed decision as to whether the child has a disability and the effects of the disability on the child's educational achievement.
9. Evaluation materials and procedures must be administered in adherence with the developer's instructions and by appropriately trained personnel. If an assessment is not conducted under standard conditions (e.g., qualifications of test administrator or method of test administration), this must be noted in the evaluation report.
9. All materials and procedures used for assessing and identifying child with disabilities must be selected and administered so as not to be biased in terms of race, gender, culture or socioeconomic status.
10. Tests must be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
11. Tests and other evaluation materials include those tailored to assess specific areas of educational need (including current classroom-based assessments and observations of the teacher and related service providers, physical condition, social or cultural background, information provided by the parents, and adaptive behavior), and not merely those that are designed to provide a single general intelligence quotient.
12. Information obtained from all of these sources, including evaluations and information provided by the parent, must be documented and carefully considered.
13. A child shall not be determined to have a disability if the determinant factor is a lack of explicit and systematic instruction in essential components of reading (phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies) or a lack of instruction in math; or limited English proficiency.
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## **EVALUATION PROCEDURES FOR SPECIAL EDUCATION STUDENTS**

**Note:** The presence of a disability is not sufficient to establish eligibility for special education. The disability must result in an educational deficit that requires specially designed instruction (i.e., special education).

### **Independent Evaluation**

#### **Right to an Independent Educational Evaluation**

Parents of a child with a disability have the right to obtain an independent educational evaluation (IEE). An IEE is an evaluation conducted by a qualified examiner who is not employed by the District responsible for the education of the child in question. The primary purpose of the independent educational evaluation is to determine eligibility, not to develop the IEP.

#### **Availability of Information**

The District shall provide, upon request, information to parents as to where an IEE may be obtained. Since IEEs at public expense must be conducted according to the same criteria that apply to evaluations conducted by the District, the District shall provide parents with the District criteria for evaluations, including the location of the evaluation and the qualifications of the examiner. If a district's list of independent evaluators is not exhaustive within the geographic area, or if the list does not include evaluators who can appropriately evaluate a specific child, then the parents are not restricted to the District's list.

#### **Right to an Independent Educational Evaluation at Public Expense**

Under the following circumstances, a parent has the right to an IEE at public expense if the parent disagrees with an assessment obtained by the school district:

1. The District must first have had the opportunity to conduct an evaluation. **Note:** If a parent requests an IEE, the District may ask about the parent's reason for objecting to the District evaluation. However, the explanation is not required and the District may not unreasonably delay either providing the IEE or initiating a due process hearing to resolve the issue.
  2. Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the District uses when it initiates an evaluation.
  3. Parents are entitled to only one IEE at public expense for each district evaluation.
  4. A due process hearing may be initiated by the District to determine if the evaluation conducted by the District was appropriate. If the final decision of a hearing officer (or a court of law if the hearing officer's decision is appealed) is that the evaluation conducted by the District is or was appropriate, the parent still has the right to an independent evaluation. However, the parent must pay for this evaluation.
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## **EVALUATION PROCEDURES FOR SPECIAL EDUCATION STUDENTS**

5. If a hearing officer requests an IEE as part of a hearing, the evaluation must be at district expense. **Note:** Since the right of a parent to obtain an IEE is triggered by the parental disagreement with the District's evaluation, an IEE at public expense would not be available if a parent refuses to consent to a proposed district evaluation since there would be no public evaluation for the parent to disagree with. If the parent believes the proposed public evaluation is inappropriate, the parent may pursue a publicly funded evaluation via the mediation, complaint, or due process procedures.

### **Maximum Allowable Charges**

To avoid unreasonable charges for IEEs, a district may establish maximum allowable charges for specific tests. If a district does establish maximum allowable charges for specific tests, the maximum allowable charges must:

1. Not simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test.
2. Allow parents to choose from among the qualified professionals in the area and only eliminate unreasonably excessive fees.
3. Allow parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the District's criteria. If an IEE that falls outside the District's criteria is justified by the child's unique circumstances, that IEE must be publicly funded.

### **Consideration of IEE Results**

If a parent obtains an IEE at **private** expense that meets the District's evaluation criteria and makes the results available to the District, the District in any decision made with respect to the provision of a FAPE to the child must consider the results. The results may also be presented as evidence at a hearing regarding that child.

### **Procedures for Requesting an IEE**

If a parent wants to request an IEE at district expense, the parent should notify the District. The District must provide the parent with:

1. A list of independent evaluators.
2. The District's criteria for IEEs, including maximum allowable charges.
3. A copy of the evaluation and eligibility requirements set forth in [Part III](#) of the Special Education Handbook.

### **District Responsibilities Following IEE Requests**

If a parent requests an IEE, the District may do one of the following:

1. Propose mediation to resolve differences.
  2. Agree to pay for an IEE.
  3. Initiate a due process hearing to show that its evaluation was appropriate. The parent must be advised if he or she pursues an IEE, it may be at his or her expense.
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**EVALUATION PROCEDURES FOR SPECIAL EDUCATION STUDENTS**

After a parent has obtained an IEE, the District must do one of the following:

1. Pay for the evaluation/assessment if it meets the criteria for publicly funded IEEs. If the District believes the District evaluation was appropriate, this should be stated in writing within the same document in which it agrees to pay.
2. Provide written notice to the parent of the District's refusal to pay for an IEE that does not meet the criteria for publicly funded IEEs. The District must also inform the parent of his or her right to a due process hearing to challenge this decision.
3. Provide written notice to the parent of the District's refusal to pay for an IEE and request a due process hearing to demonstrate the District's evaluation or assessment was appropriate. The District does not have to pay for an evaluation if the hearing officer finds for the District.

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