

## Disability Suspected Form: Additional Guidance for Completion

The Disability Suspected form is used to clarify and guide the data needed and decisions required to suspect a disability. We must remember that this is a screening level decision. As such, if we are to error in decision making we would want to error on the side of being more inclusive at this time than exclusive. In other words, we want to be sure we don't miss anyone at this stage. It will be very important to remember that suspicion of a disability does not equate to having a disability and being in need of special education services. In the current child find process it is expected that more students will be suspected of having a disability than will be found eligible and in need. Finally, professional judgment will need to be applied. Very few situations will be as clear cut as the examples provided. Since we are looking to discover a suspicion, in close calls it would be appropriate to move to evaluation and potentially exclude later on the basis of more comprehensive and compelling data on which to decide if a disability is present.

### Are there data to suggest:

#### Health or physical condition or functional limitation / significant status change / obvious and immediate need

The use of box 1, 2, and 3 is likely rare. These all refer to significantly limiting conditions and circumstances. There would need to be evidence to support the conclusion that box 1, 2, or 3 were in play as a reason to suspect a disability. Keep in mind that a medical condition or diagnosis, in and of itself, does not automatically cause suspicion of an educational disability.

#### Performance is below standards or expectations, is unique compared to others, and not explained by more plausible factors

The use of box 4 is likely the most typical manner of suspicion of an educational disability. If box 4 is marked, evidence must exist to support all considerations and conclusions.

#### Status of hearing and vision

The first consideration is to ensure that hearing and/or vision are not primary causes of the child's problem. Student records or the school nurse should have this information. If the information is not in the student or school nurse records, consult the AEA hearing and/or vision staff member serving the building.

*Example One: (acceptable) Jim's hearing was screened at the beginning of the year with all other second graders. His hearing was normal in both ears. His parents also reported that a recent report from the clinic also demonstrated that Jim's hearing was not of concern. Jim's parents just had Jim to the optometrist for a routine check. No problems with vision are identified at this time based on the report.*

In this example specific results are both current and within normal limits. There is supporting data from multiple sources.

Example Two: (unacceptable) *Jim's hearing was screened a couple of years ago and no one recalled there being any problems. Jim has a history of ear infections but the consensus of the group was that hearing is within normal limits. Vision was assessed by the school nurse. Results suggest his vision is 20/40.*

In this example the data is not specific or current for hearing. Even with a history of ear infections there was not data to support that this was either further evaluated or legitimately ruled out as a potential problem. The vision results were minimal. Professional judgment would be necessary to discuss other information to suggest the vision results were sufficient or more information would be needed.

Information which suggests the child's performance falls persistently below state approved standards or typical developmental or behavioral expectations for age and grade level

The second consideration is about information that suggests the child's educational performance falls persistently below state approved standards or typical developmental or behavioral expectations for age and grade level. This means that data would need to be available that demonstrates that the student is not and has not been meeting standards or expectations. Clear articulation of standards is necessary. Information on consistent sets of data over time is also necessary. The comparison of the performance over time to the expected standards or expectations should clearly demonstrate a persistent gap. Persistence would be determined on the individual facts of each child's case and may be different depending on the nature and severity of the gap over time. For example, small gaps or differences in performance compared to expectation may not be as independently significant as larger gaps between performance and expectation.

Example One: (acceptable) *Rhea's ITBS scores in reading comprehension and vocabulary are below proficiency for the second year in a row. MIALT results this year are also below the level of expectation. DIBELS ORF scores have been either at-risk or deficit even with specific small group work on vocabulary and word attack. Maze assessments, a measure of comprehension, have always been below the districts norms for average performance. Assessment for Learning anecdotal logs show that Rhea is in frequent need of differentiated instruction and re-teaching to grasp concepts and that maintenance of learned material is a problem.*

In this example there are multiple sources of assessment ranging from large scale assessments to direct teaching and learning assessment via assessment for learning logs. All information consistently shows that over time Rhea is not performing up to standard or expectation in the concern area.

Example Two: (unacceptable) *Rhea's teacher reports that she has lots of problems in lots of areas. Rhea's report card shows she has mostly unsatisfactory or emerging reports across the board. ITBS scores show that Rhea's composite is well below proficiency and has been two years running.*

In this example there is a lot of information of subjective quality that suggests she is not doing as well as she needs to and has not been over time. However, specific results compared to specific areas of concern are not reported. There is certainly enough information here to suggest there may be

problems. At the same time, specificity is lacking and more substantiation that is specific to the problem area is warranted.

### How the child's performance is unique when compared to others in the same setting

The third consideration is about the child's performance being unique when compared to others in the same setting or context. This means that data would need to be available that shows what is expected and what is typical performance. Models across the country related to various types of concerns (e.g. mental health, behavior, academic performance) refer to the core program meeting the needs of at least 80% of the students. Holding to this concept, a student's performance would have to be at least within the 20% of students not meeting core standards. However, 80% is a minimal threshold. There is nothing to say we would not want or could not have 100% of students meeting the standards or expectations. That said, it is clear that this standard would contemplate that the student in question would be a clear outlier within the group not meeting the standard or expectation once the larger group has at least met the minimum standard of 80%.

*Example One: (acceptable) Based on Assessment for Learning logs, Jack is one of two students in the class of 17 that have required small group instruction and virtually daily differentiation. Weekly math assessments based on the curriculum content probes shows that Jack is one of a group of 3 students out of 17 that has not passed a weekly test. Application probes show 85% of the class is meeting the class expectation yet Jack is only at 60%. The math composite score on the ITBS is below proficiency. Of Jack's 17 classmates all but 4 are proficient including Jack.*

In this example there are multiple current data sources ranging from less formal to formal that consistently demonstrate the Jack is an outlier compared to peers regardless of the measure. There is no reported evidence that he is performing within the typical group of students within the classroom.

*Example Two: (unacceptable) Based on weekly curriculum content probes in math, Jack is only receiving an average score of 65%. Fact and application probes suggest Jack is in the lower group of performers in the class. Jack's math composite score in the ITBS is below proficiency and his MIAIT results are not what they need to be for this point in time.*

In this example there are multiple assessments reported in the concern area. What is missing is the level of performance of the group. There is no information reported that would allow you to tell if Jack's results make him an outlier from the group. We know he is not doing well. We do not know if he is performing differently from his peers. This information is likely available using the same assessments reported. However, the data would need to be analyzed differently in order to assure that Jack falls out of what is typical performance.

Another level of analysis for the third consideration would be to look at the composition of the small group of students not meeting proficiency. If the non-proficient group is comprised of concentrated groups of racial, ethnic, or cultural similarity it would be important to understand that the core curriculum and instruction currently in place may in fact be biased against certain classes of individuals and need further analysis before students within that group should be considered to be performing differently because of disabilities.

Example One: (acceptable) *leesha's office referral log shows she is the most frequently referred student in her grade. There are only 4 students in the grade with 3 or more office referral at this time and leesha has 18 office referrals. Teacher anecdotal logs show leesha has missed 24 recess periods for behavior problems where the next highest number of recess periods missed is 5. leesha has had 6 letter sent to her home to express concerns over her behavior. No other students have had a letter sent home.*

In this example several different measures show empirically that leesha is in fact behaviorally different from her peers. These composite measures would additively suggest that leesha is an outlier from her peers and from grade level expectation. Further analysis of students of leesha's race/ethnicity shows that no other student's are demonstrating this level of concern. In this example, leesha is not only an outlier to the overall grade, she is an outlier compared to her racial/ethnic comparison peers as well.

Example Two: (unacceptable) *Based on grade level office referrals leesha is a student that falls in the group of students (13%) that are not responding to the core program for developing positive social and emotional skills. leesha is one of 6 students in the class that has a behavioral intervention plan. leesha's parents have received 6 letters about her behavior.*

This example alone may seem to suggest that leesha is an outlier and she is. However, upon further analysis, if most or all of the 13% of students are also African- American or Hispanic, if all 6 students receiving letters are African-American or Hispanic, and the only students with behavioral intervention plans are African-American or Hispanic then we may be looking at a different issue. If these numbers represent the vast majority of African-American and Hispanic students in the grade we could be looking at issues that arise from their racial, ethnic, or cultural background. If this is the case we are in effect biased in our treatment of these students and it would appear that our core instructional package or programming is not meeting the needs of a specifically identified group within the population.

#### Other plausible explanations that may account for the child's lack of educational performance

The fourth consideration is about other plausible explanations that may account for the child's lack of educational performance, (i.e. lack of appropriate instruction, language other than English, lack of prior knowledge, cultural expectations, attendance or mobility). The most important feature in this consideration is that at this level we are looking at situations and circumstances that would show that these other plausible explanations are more likely rather than just equal to or possibly a factor. Remember, suspicion of a disability is a screening level decision. Upon evaluation, these factors, given further more in-depth analysis, may be considered exclusionary factors for determining that a child has a disability and needs special education. Therefore, at this point in time, we would be looking for clear and compelling rationale that one of the factors listed was the more plausible reason for the problem at hand.

Example One: (acceptable) *A review of the student record and discussion suggests that Raul is bilingual. His parents are English speaking and he is fluent in English. He has been screened for ESL services and they were not deemed necessary. Attendance has been very good, he has not changed schools, and in other areas outside of handwriting he has done well if not excelled.*

In this example, all plausible explanations are considered and ruled out in relationship to the suspected disability area. This does not mean that other things may not come up in evaluation but there is no information to exclude suspicion at this time.

*Example Two: (unacceptable) A review of the available student records and discussion show that Raul has bounced between Mexico City and the United States over the course of his three years in school. He has not received services as an English Language Learner and there is limited information in the file about services he has received when he is out of the country. Records show that Raul has missed just over 40% of the instructional days while enrolled in the U.S. Attendance when out of the country is not available but his parents report that school attendance has been hard. Raul has been in 5 different districts while in the U.S. His parents report through an interpreter that Raul is not very interested in school but will read Spanish books, when available, to his younger sibling. They do not see him as progressing differently than his older brother and sister.*

In this example there is a great deal of information to suggest that Raul's educational history is significant for a lack of continuity in education (attendance and mobility), he has limited English proficiency, and he has missed significant learning opportunity. At the same time it is suggested that he may be able to read in his native language. This set of circumstances would suggest several reasons why Raul's issues in schools may not be disability related. In this case a good supplemental or intensive intervention program might help in discerning if Raul should be suspected of having a disability or is just in need of sound educational opportunity to learn.