RE-EVALUATION OF STUDENTS WITH LEARNING DISABILITIES AND RETENTION IN THE SPECIAL EDUCATION SETTING

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Abstract

This research examined special education re-evaluation practices in the area of Specific Learning Disability and the number of students remaining in special education when eligibility criteria is no longer met. The study was conducted in a comprehensive high school district, gathering data from the Specific Learning Disability summary sheet which is completed every three years at the time of re-evaluation. The study found that over half of students receiving special education services no longer meet eligibility criteria. Policy implications are discussed with suggestions on how the Response to Intervention model may assist in transitioning students from special education to general education classes.
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To my children Stephanie and John, you are the reason I continue to grow personally and professionally. You both give me the strength and desire to better myself everyday.

To my husband John, your support helped me complete this program and your smiles and good nature are something I can always count on. I am grateful for your constant encouragement to reach my goals.
Introduction

The Individuals with Disabilities Act (IDEA) gives eligible school children with disabilities the right to receive special support and services in their school setting to enable these children to benefit from their education. One of the 13 qualifying categories is Specific Learning Disability (SLD). A learning disability and its impact on the student’s education must be documented through an evaluation process conducted by school staff to determine eligibility for special education services. If a student qualifies for special education services the student is re-evaluated every three years to determine if the student continues to qualify for services and to determine if there has been education growth and benefit in the preceding three years. The goal of special education is to support the student in the academic area of deficit, improve skills in the area of deficit, and return the student to the general education setting. This study will focus on the re-evaluation process, the consistency of meeting eligibility requirements, and the return to general education upon a student’s readiness.

Research Question

Are students who no longer meet criteria for special education services, under the handicapping condition of specific learning disability (SLD), choosing to remain in the special education setting? Given special education learning disabled students, grades 9 through 12, in a comprehensive high school district, what are the contributing factors to this practice?
In 1996 the Office of Special Education Programs (OSEP) released a report on data collected during the 1993-94 year, from all states reporting data on students exiting special education. Exit categories included graduation with diploma, graduation with a certificate of completion, reached the maximum age for service, returned to regular education, died, moved, known and not known to be continuing, and dropped out. The report indicated that graduation with a high school diploma was the most common basis of exit for students with disabilities (all categories included), with this number being at 7.5 percent. The report also indicated that 4 percent of students with disabilities returned to general education programs. Most of the students in this category were students falling under the category of Other Health Impaired (OHI) and speech and language deficits. Those students in the OHI category had a short-term need for special education services such as asthma or an acute health condition. The percentage of students in the SLD category returning to the general education setting was reported at 3.8.

In the year of 1993-94, the Maryland state department of education published a report on students ages 14-21 exiting special education services. The report indicated that during the 1993-94 year 33.19 percent of students in special education were returned to the general education setting (all categories included). The percentage of students with eligibility under SLD returning to general education was 28.84. (MSDE-PRIM/DSE 04 100(R)002 10/94).
Qualifying as SLD

In 2001 an article titled “Learning Disabilities as Operationally Defined by Schools”, discussed the significant increase in students identified as SLD in the schools. The article reports a 198 percent increase between 1976-77 and 1992-93 due to a lack of consensus on the definition of SLD. The paper further notes the large amount of subjectivity at every stage of the process including the initial referral, assessment, and eligibility criteria. There is also mention of school IEP teams ignoring exclusionary criteria and eligibility based on the current and previous assessments (MacMillan and Siperstein, 2001).

In the year 2000, the Delaware Department of Education released their Learning Disabilities Final Report. This report was a response to state legislation requiring the development of proposed revised regulations for classifying students under the handicapping condition of SLD. The report further describes that out of the 15 percent of student population qualifying for special education services, 61 percent of this figure are students with identified as SLD. The report discusses how the funding formula needs to change to allocate resources where they are most needed and a proposal for a learning disability definition and eligibility criteria (Delaware Department of Education, Learning Disabilities, Final Report, 2000).

The Council for Learning Disabilities reported in the fall 2004 quarterly issue on conceptual definitions and classification criteria for SLD. This information was compiled through a survey of state education agency SLD contact persons to update information last published in 1996. The results of the survey indicated that there was a significant amount of variability between states in their decisions to qualify students for special
education under the category of SLD. Discrepancies were found in conceptual definition, eligibility criteria, and prevalence. The report contains a discussion in the dissatisfaction with current SLD criteria and possible future trends (Reschly and Hosp, 2004).

A 1998 study conducted by Cathleen Spinelli focused on the classification of students as learning disabled. This study used test scores of 50 middle and high school students from eight different school districts identified as SLD and looked at whether federal guidelines were used to determine eligibility. The study found that students were qualified with minimal or no discrepancy between aptitude and achievement and were further qualified upon being re-evaluated after three years of participating in special education classes. The study further found that these same students received lower scores on standardized intelligence tests after participating in special education classes. There is also discussion on inconsistency in eligibility requirements, the effects on programming, and the educational and social-emotional implications for students (Spinelli, 1998).

A publication of the National Information Center for Children and Youth with Disabilities was distributed in September 1999, titled Questions Often asked by Parents about Special Education Services. In this publication is information regarding what a parent should do if he/she suspects their child my be eligible to special education services, the evaluation process, categories of disabilities, and information related to the IEP writing process. Additionally there is information regarding re-evaluation every three years if their child qualifies for special education services. There is a description of the purpose of the re-evaluation, including finding out if the child continues to be a “child with a disability as defined within the law” and finding out the child’s educational needs (Kupper, 1999).
Minority Students and Special Education

A book written by Harry and Klinger in 2006, titled, “Why are so many minority students in Special Education?: understanding race and disability in schools”, discusses many areas of concern with regard to special education referral, evaluation, placement and benefits of special education services. In the majority of cases, although there was an established official referral policy to ensure bilingual students would not be prematurely referred for special education assessment, the policy was not followed. Findings of this study indicated referrals had more to do with the quality of the school, the knowledge of key players, and the culture of referral. The policy of the district included an evaluation by a bilingual assessor, however there was rarely any mention of the bilingual evaluation prior to special education placement. The explanation was that the bilingual assessors were backlogged, receiving over 200 referrals per person, per year. When 859 psychologists were surveyed, they indicated critical factors were frequently omitted, such as the consideration of the student’s native language and number of years of English instruction. Other barriers noted was the confusion among staff responsible for carrying out the referral process. An example of this was noted when administrators and psychologists differed on when a child could be referred for evaluation, at ESOL level 1,2,3, or 4. Within the district, there were schools which were labeled as “high” and “low” referring, with this practice having little to do with differenced between children. These differences were more a reflection of the beliefs about special education, beliefs about English-language acquisition, how busy the personnel was, and knowledge of the process. All the factors noted above suggest subgroups of English Language Learners are
vulnerable to misclassification, leading to overrepresentation in special education numbers (Harry and Klinger, 2006).

The 2006 study by Harry and Klinger further discusses the high risk rates for African American and Native Americans in the categories of Mental Retardation (MR), Specific Learning Disability (SLD), and Emotional Disturbance (ED). These categories are referred to as high-incidence categories because the majority of children served in special education are placed in these categories. Placement decisions are made on clinical judgment rather than on verifiably biological, hard data, and many have questioned the accuracy of the professional judgments made in diagnosing MR, SLD, and ED. The high ethnic representation in these categories has been concerning to the Office of Civil Rights (OCR) so much that this organization has collected data on these problematic categories since the early 1980’s and the National Academy of Sciences (NAS) has been commissioned twice to study the issue. Another debate that continues is the validity of the discrepancy criterion required for SLD, since the use of tests varies widely from state to state, as does eligibility criteria. In one school, described as a microcosm of the national picture on ethnic disproportionality in special education, African-American children represented 17% of the school population, yet they represented 35% of the special education population labeled as SLD. In another school with similar demographics, at least 80% of the students in the ED program were African-American. Harry and Klinger argue that “the process for determining children’s eligibility for special education is anything but a science. Rather, it is the result of social forces that intertwine to construct an identity of “disability” for children whom the regular-education system finds to difficult to serve”. Additionally, the No Child Left
Behind Act (*NCLB) mandates assessment of academic achievement nationwide and “grades” a school based on the results of standardized testing. At least until 2002 when this study concluded, scores of students in special education were not considered in “grading” of schools. Unfortunately, since many of the lowest-achieving students are of ethnic minority status, these groups run a high risk of inappropriate special education placement.

Re-evaluation and Exit Criteria

In January 1992 the Michigan Association of Learning Disabilities Educators published guidelines for identification and evaluation of students with learning disabilities. The introduction discusses issues and problems in the assessment of learning disabilities and provides a rationale for the importance of consistency in determining if a SLD is present. Also included in these guidelines is information on 3 year re-evaluations and exit criteria. This guideline specifies, “A student must be re-evaluated at least every three years to determine whether s/he continues to be eligible for special education services. Learning disabled students should be educated in the least restrictive environment. This means that learning disabled students should receive their education in an age-appropriate regular education environment unless this is determined to be inappropriate by an individualized educational planning committee”. The guidelines further state, “the foundation for meaningful exit criteria should be laid at the time of the initial placement. The ultimate goal is to return each student to a regular school program as soon as feasible, and to clearly identify the parameters of each student’s potential functioning within regular education. Every effort to phase a student into regular education should be undertaken. It is recommended that the criteria used to determine
initial eligibility should also be used at the time of the three-year re-evaluation. If these criteria are not met, then the IEPC should determine again whether the students continues to have a need for special education, and should consider increased involvement in the regular education program.” (Riegel and Hunt, 1992).

**Response to Intervention (RtI)**

The November-December 2005 issue of the *Journal of Learning Disabilities* asks the question of what should be done about SLD identification after intervention efforts are proven inadequate for individual children. There is discussion on the need to provide early interventions to prevent low achievement which often leads to the diagnosis of SLD and long-term special education placement (Reschly, 2005). Specific characteristics found in effective prevention programs have been identified, although more information is needed to determine the degree to which these programs prevent need for special educations services in the future.

In October 2006, the National Research Center of Learning Disabilities released a report on SLD eligibility and the new federal regulations. The report discusses how SLD accounts for approximately half of all students determined by districts to be eligible for special education under IDEA. Since the late 1970’s states were required to use the severe discrepancy model in determining eligibility for special education under the handicapping condition of SLD. The severe discrepancy is based on a comparison of scores from an intelligence test and a test of academic achievement. The discrepancy is a primary but not the exclusive criterion for SLD eligibility. An additional change in IDEA regulations is the elimination of a triennial re-evaluation to determine if the criteria for eligibility continues to be met under the SLD category. The IEP team has
been given the power to make decisions about continued eligibility without previously required evaluation data. The 2004 amendments of IDEA provide significant changes in SLD eligibility, one of which is responsiveness to intervention (RTI), an alternative approach that involves using scientific, research-based instruction in general education, increasing levels of intervention, and continuous progress monitoring prior to finding a student eligible as SLD (Zirkel, 2006).

The Learning Disability Quarterly Fall 2005 issue ran an article on responsiveness to intervention and learning disabilities. This article discusses current issues in learning disabilities and reports that can influence policy and practice. This article further gives an overview of the RTI approach, issues related to RTI implementation, structure and components and needed research on the topic (www.cldinternational.org).

An introductory article focusing on response to intervention was written and published in 2003 in the August issue of Learning Disabilities: Research and Practice Journal. Identification of SLD is discussed as well as an overview of the promise and potential pitfalls of the RTI approach. Early identification based on risk rather than deficit is included in this reading material (Vaughn and Fuchs, 2003).

In June 2008, the Reading and Writing: An Interdisciplinary Journal, published an article describing the RTI method for preventing and helping to identify learning disabilities. The RTI model is a multi-tiered prevention model that includes at least three tiers. The first tier is implemented in the general education classroom setting and consists of high-quality, research-based instruction. Monitoring the progress of students is an ongoing process and would identify at-risk students needing to participate in the second tier of RTI. The second tier consists of more intensive research-based
interventions with a higher level of frequency and duration. Pull-out services, on-one-on, and small group instruction in the area of need are part of the Tier 2 interventions. The student participates in this second tier for a minimal of 8 weeks and is monitored for progress. If the student does not respond to the intervention at the second tier level, the student is then referred to the third tier, which could be similar to traditional special education services. This third tier usually results in an evaluation and recommendation for special education services (Fuchs and Compton, 2008).

Theory

There has been a long-standing problem with consistency in the eligibility process and keeping the integrity of the eligibility criteria, both at the initial and re-evaluation stage of students identified as needing special education services under the handicapping condition of SLD. Maintaining the integrity of the eligibility criteria is further impacted with the change of requirements in IDEA 2004, which indicates students may continue to qualify for special education services without the need for a re-evaluation. The IEP team is given the latitude to determine eligibility absent data from a re-evaluation establishing criteria for SLD continues to be met.

The administrative and special education staff at the school sites have had very minor changes over the last 10 to 15 years. Psychologists remain at their school sites for years without any rotation throughout the district. Special education teachers and department chairs often retain their positions for many years, with very little turnover amongst the teaching staff, some retirements every year, and new hires replacing them. The organizational culture of the schools appear to have been passed on as the new hires assimilate with the school and staff (Wilson, 1989). The routines and rituals pertaining to
IEP meetings and maintaining students in the special education setting appear to be well established and embedded at the school sites. Part of the culture appears to be retaining students in special education classes and services even if the data shows the student no longer meets the eligibility criteria. Although the intent of the special education is for services to be temporary, students are rarely exited from special education services. The core task is to reach consensus from the IEP team to continue special education services, with the culture being to maintain the special education student numbers (Wilson, 1989).

The administrators and school staff at the sites function under the managerial and charismatic leadership theories (Bowditch & Buono, 1994). At the site level and while participating in the IEP, staff is driven to accomplish the task at hand, eligibility for special education services. The staff have been taught and have observed their colleagues during IEP’s “selling” the special education program and how the student continues to benefit from the program. These same administrators use subtle methods to encourage continued placement in special education when the student or parent are conflicted over whether to continue in the special education setting or return to general education. This is the time to demonstrate confidence in what special education can offer, frame the recommendation for continued eligibility, and inspire the rest of the team to agree with the eligibility status. Emphasis is placed on the big picture, to get the student through graduation with the modifications and accommodations the student has become accustomed to.

The parents and students are invited to participate in the IEP process at the school and voice concerns, however, these parties often do not have the power to make a change in the culture. This invitation to “participate” is part of a routine added to establish
legitimacy to the process (March & Olsen, 1989). This practice also gives the perception that this is an open system, influenced by input from those outside of the system. The IDEA regulations can specify certain rights, however, the staff at the school level can manipulate the proceeding to result in continued eligibility for services.

Most students who are identified early in their life as having special education needs continue in the special education system for the entirety of their school career. Although a tri-ennial IEP is required to determine continued eligibility for services, this too is another routine to establish legitimacy of the process and compliance with the law.

The school psychologist plays a key role in the determination of eligibility and is primarily the person assigned to investigate whether the student will continue to qualify for services. March and Olsen (1989) state, “rules may be imposed and enforced by direct coercion and political or organizational authority, or they may be part of a code of appropriate behavior that is learned and internalized through socialization or education” (p. 22). Although the role of the psychologist is to look at the data objectively and follow the logic of appropriateness of a school psychologist, there is coercion to follow the logic of appropriateness of the school or administration.

Bowditch & Buono’s (1994) managerial leadership theory best describes the behavior of the psychologist, as he/she has been trained to complete a task, the expectation is clear, and creativity in delivery of education services to special needs students have been restricted. March and Olsen’s (1989) institutional theory addresses the rituals, symbolism, and routines of the eligibility process, although the content in the spirit of special education law is lacking. There is no concrete evidence to establish the
unique needs of the individual were addressed in the educational setting, however, the core task of maintaining these students in the special education program is protected.

Throughout the eligibility process, the parties involved are functioning at different levels in the Stages of Concern as described by Hall and Hord (1987). The student and parent may be at level 2, personal, where the concern is with educational demands that will be placed on the student, as well as being prepared for challenges beyond high school. The demands could be to be able to meet the educational challenges at the college level or a work setting. School staff generally function within levels 4 and 5, which involves focusing on the impact and influence of the student in the general education setting. This could include the recommendation for the child remain in the special education setting where the student has become accustomed to the quality and quantity of work required for a passing grade.

Bowditch and Buono (2001) describe Maslow’s motivation theory, hierarchy of needs, as one where “all human motivation could be organized in a hierarchy on five basic levels” (p. 65). The needs range from basic physiological needs such food and shelter, to feeling personal esteem and recognition from significant persons in one’s life. Maslow’s motivation theory may address some of the behavior exhibited by the staff when they are in the midst of the eligibility process. Some primary needs, such as feeling secure that the student will not fail in the special education classroom, and their ego, needing to rescue the student from the demands of the general education classroom, may be motivators in handling the situation as it is done. Additionally, socially acquired motivators may play a part, as the staff establishes a relationship with the student, affiliates him/herself with other staff participating in the same practices, and achieves
some social status among the ranks of other special education teachers. Staff members are often reinforced for maintaining the numbers in special education by the behavior of fellow colleagues and the idea of maintaining job security. Special education staff function under the logic of appropriateness, part of institutional theory, where the norms and culture determine the behavior, and maintaining the status quo is a driving factor (March & Olsen, 1989).

The relationships amongst the school staff (level 1 decision-makers) appears to be one of institutional theory. Decisions are often pre-determined to maintain harmony and cohesiveness within the school (March & Olsen, 1989). This dependency is also noted when there is a lack of consensus during the eligibility process and the team turns to the administrator for guidance (level 2 decision-makers), who most often concurs with the opinion of the school staff members. The underlying culture is one of watching out for each other’s program and the number of student’s needed to continue offering the program at the school campus. At the third and final level of decision making, continued eligibility is established through the recommendation of the IEP team. This third level is also an example of institutional theory, as there is much coordination within the organization, creating interdependence.

At all three levels, the parent and student can present their arguments against the need for special education services, however, as noted in March and Olsen’s Institutional theory (1989), this is a routine to establish legitimacy, provides ritual and symbolism, and gives the perception that the system is one that is open. This entire process is bureaucratic with the parent and student exhibiting very little power and being in a position that is symbolic (Wilson, 1989). The decision of whether to continue eligibility
for special education or not is made by the frontline operators/street level bureaucrats, school staff, and rarely is this decision overturned by the parent (Wilson, 1989).

Criteria for establishing eligibility for SLD under IDEA, until the recent changes of 2004, is very clear and precise. This practice can best be described as part of a rational system where a specific goal is desired, namely keeping students in special education classes and services after they no longer meet eligibility. The school leadership or administration itself functions under several theories of organization, the first being bureaucracy, establishing symbolic leadership, although the frontline workers affect the final task/goal outcome. Institutional theory describes rules, routines, and rituals to protect the core task. This can be seen when the eligibility criteria is ignored by the school staff and the student continues to receive services even though the criteria for eligibility is no longer met. This can also be seen when the parent or student is in disagreement with the decision, but the IEP team has the power to override the desires of the parent or student. The school staff follow an institutional theory model as well, as there is an interdependence and coordination of the systems within the organization.

Students identified as SLD are remaining in special education programs long-term, rather than improving in their academic achievement and returning to the general education population. There is a need for change in the way students are identified as SLD, the service delivery model to increase the probability students will return to the general education setting, and the way students are re-evaluated for continued eligibility.

Hypothesis

This study found that students are remaining in special education classrooms and are receiving special education services long after re-evaluations have found the student
no longer meets eligibility criteria. From my vantage point as a psychologist in a high school district I have noted most children enter into special education early in their school career and remain in special education through graduation. These same children are often succeeding in general education courses without special education support yet maintain the label of learning disabled. Possibilities to explain this could be maintaining eligibility for college enrollment purposes, accommodations for college entry exams, reduce the possibility of failure if the students transition to general education, and maintaining student numbers to ensure school staffing. This study also found very limited assessment is conducted at the time of re-evaluating the student for continued eligibility, and additionally, with the latest re-authorization of IDEA, assessment for re-eligibility can be eliminated altogether.

Method

Context

This study utilized data gathered from the SLD summary sheet which is part of the Individualized Education Plan (IEP). The SLD summary sheet is developed at the time of the triennial evaluation where decisions are made about continuing eligibility for special education services. The SLD summary sheet contains standardized scores in the areas of ability and achievement as well as specific information regarding the presence of a processing disorder, both of which are necessary to make eligibility determinations.

Participants

Seven high schools from a comprehensive high school district participated in this study. The seven schools offer services to students qualifying for special education under
the handicapping condition of SLD. Programs offered in the school are similar, as are the demographics of the schools. Additionally, all seven schools conduct re-evaluations for continuing eligibility for special education services.

**Instruments**

Instruments used are the SLD summary data sheet and an excel spread sheet.

**Procedure**

A list of all students in the district identified as SLD were taken from the California Special Education Management Information System (CASEMIS). From this list a random sampling was taken from each school in the district, equaling a total of 42 students, 7 from each site, for this study. 42 random numbers were printed out so that each student had equal opportunity to be a part of the study. Ten percent of the district’s SLD population were represented using data from 42 students. This random sample of students carries the power to make a reasonable inference that the sample is representative of the district SLD population. Three criterions must be met for eligibility, according to federal guidelines. These three criterion were reviewed for each SLD summary sheet. Criterion 1 (C1) looked at discrepancy between ability and achievement. Criterion 2 (C2) looked at the presence of a processing disorder. Criterion 3 (C3) looked at whether there is an explanation for the discrepancy between ability and achievement. If the criterion is met there will be an entry of Yes, if not met, the entry will be No. Data from the SLD summary sheets will be entered onto an excel spread sheet to further look at developing trends.
School Number 1

<table>
<thead>
<tr>
<th></th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>Eligible</th>
</tr>
</thead>
<tbody>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student B</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student C</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student D</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student E</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student F</td>
<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
</tr>
<tr>
<td>Student G</td>
<td>No</td>
<td>Yes</td>
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</tr>
</tbody>
</table>

School Number 1

57% Qualify for Special Education - receive services
43% Don't Qualify - receive services
### School Number 2

<table>
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<tr>
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<th>C2</th>
<th>C3</th>
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<td>Student A</td>
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</tr>
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<td>Student F</td>
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<td>Yes</td>
</tr>
<tr>
<td>Student G</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tr>
</tbody>
</table>

#### Pie Chart

- **71%**: Don't Qualify - receive services
- **29%**: Qualify for Special Education - receive services
### School Number 3

<table>
<thead>
<tr>
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<th>C3</th>
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</thead>
<tbody>
<tr>
<td>Student A</td>
<td>Yes</td>
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<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Student B</td>
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<tr>
<td>Student C</td>
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<tr>
<td>Student D</td>
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<tr>
<td>Student E</td>
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<tr>
<td>Student F</td>
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<td>Student G</td>
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</table>

#### Pie Chart

- **43%** Qualify for Special Education - receive services
- **57%** Don't Qualify - receive services
### School Number 4

<table>
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<th>C3</th>
<th>Eligible</th>
</tr>
</thead>
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**School Number 4**

- **29%** Qualify for Special Education - receive services
- **71%** Don't Qualify - receive services
School Number 5

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School Number 5

- 57% Qualify for Special Education - receive services
- 29% Don't Qualify - receive services
- 14% Don't Qualify - don't receive services
### School Number 6

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**Pie Chart:**
- 43% Qualify for Special Education - receive services
- 57% Don't Qualify - receive services
School Number 7

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School Number 7

- 72% Qualify for Special Education - receive services
- 14% Don't Qualify - receive services
- 14% Don't Qualify - don't receive services
District Wide

- 51% Qualify for Special Education - receive services
- 45% Don't Qualify - receive services
- 4% Don't Qualify - don't receive services
Discussion

Results from the data analysis indicate that students identified as needing special education services under the SLD category continue to receive special education when the student is no longer eligible for services. Data from school number one resulted in 71% of students no longer qualifying for special education based on the criteria established by state and federal guidelines, yet they continue to receive services. The review of the literature includes several articles discussing the percentage of students returning to general education, with the highest percentage reported at 28.84.

MacMillan and Siperstein (2001) found IEP teams ignore exclusionary criteria as well as a lack of consensus on the definition of SLD. Harry and Klinger (2006) discussed the disregard for English Language acquisition factors and the confusion amongst personnel about district policies that would protect student from being identified for special education services prematurely. Harry and Klinger also reported on whether special education placement has resulted in positive outcomes for children and discuss alternatives to the current special education model. Spinelli (1998) reports students are being qualified with minimal or no discrepancy between ability and achievement both at the initial evaluation and again at the triennial evaluation. This study indicates there is a need to develop programs that will directly address the needs of the student, implement interventions, and release the student back to the general education setting upon acquiring the necessary skills to succeed.
Policy Implications

The Reauthorization of IDEA in 2004 removed the requirement to provide formal assessment on a student already receiving special education services to determine continuing eligibility. In lieu of formal assessment, IEP teams can discuss a number of questions related to eligibility and come to a consensus on whether this chilled should continue to receive special education services or not. Although several studies, prior to IDEA 2004, reported IEP teams were ignoring exclusionary criteria and eligibility, and there was significant variability between states in decisions to qualify students under the category of SLD, removing the requirement for formal assessment may have exacerbated the problem of retaining students in special education when they no longer meet eligibility criteria.

Exit from Special Education through RtI

To address this issue, school districts could look at the Response to Intervention (RtI) model, which was also a critical change in IDEA 2004. The RtI model is a multi-tiered prevention model which is implemented initially in the general education program. This model initially introduces interventions in the general education program, with more intensive interventions added if the first tier of interventions are unsuccessful. When IDEA 2004 was authorized, states and school districts were given the latitude to use RtI or the discrepancy model to qualify students for special education services under the category of SLD. Although the intention of RtI is to address the needs of students prior to being evaluated for special education services, this model could be utilized in reverse order to address the needs of student exiting from special education. There is much
concern surrounding the preparedness of students to succeed without the support of special educations services, but RtI could address this concern.

District policies could be established that evaluated student success in special education courses. Case managers assigned to SLD students could look at grades, progress in meeting graduation requirements, recent performance in state tests, and curriculum-based measures (CBM), to make recommendation for students to exit special education services. A three step process of transition services could be established as the exit procedure from special education.

The first step would include support in the special education classroom to increase productivity and quality of assignments which are more closely aligned with expectations in the general education classroom. The use of rubrics reflecting expectations of assignments in the non-special education setting could be an introduction to students of the level of quality to strive for to begin the process of exiting special education. Upon maintaining success with these methods for a period of time, the student could transition to the next level of service.

The second step would include placing the student in a Learning Center which would provide on-on-one or small group support for assignments, based on the level of need of the student. The use of the Learning Center would be as fluid as the students’ needs. One student may need only a 20-minute session at the beginning of the day to address difficulties on the assignment from the previous day, whereas another student may require an entire class session working on study skills. The Learning Center would be staffed with special education teachers who are well-versed in the requirements of the general education classroom. Students would be included in general education courses
taught in the co-teaching model, which requires a general education teacher as well as a special education teacher to support all students requiring assistance in that classroom. Both teachers would share the responsibility of teaching, supporting and addressing the needs of all students, and delivering, the scientific, research-based instruction. Students assigned to this step would be continually assessed for progress and readiness to fully participate in the general education setting.

The third step would involve the student participating in the general education setting for the entirety of the school day, with monitoring from a special education case manager. Monitoring would include checking with the student on a weekly or bi-weekly basis for assistance or questions on assignments, as well as checking, with this same frequency, with teachers of the student. Upon completing a successful semester in this last step, the student’s IEP team could meet to dismiss the student from special education services.

Concerns often arise when there is discussion about how to reduce the number of students identified as having special needs. Concerns surround what will happen to teachers who have been trained in the field of special education as well as how will students with special needs be identified.

*Staffing of RtI Learning Centers*

Special education teachers are instrumental in the staffing of learning centers as well as in classrooms using the co-teaching model. Special education teachers can utilize their skilled in working with small groups of students as well as teaching students different learning strategies and techniques to enhance the learning experience. Furthermore, the expertise and knowledge special education teachers possess could be shared with general education as well as special education students.
Special Education Identification through RtI

In regards to how students with special needs will be identified would be addressed through the use of the RtI model. Students needing interventions would be identified through grades, state testing results, progress toward graduation requirements and CBM in the general education setting. Small group interventions, supplemental instruction, and weekly progress monitoring would take place in the general education setting. This first step would be implemented for a period of eight weeks. If the student is not demonstrating progress, the student would be referred to step two.

Step two would involve having the student participate in the Learning Center for more intensive small group instruction and interventions. The student would continue to participate in the general education setting, with interventions continuing in the general education classroom. This level of intervention would continue for several weeks, but would not exceed a grading period. Tier three would be introduced if no progress is noted.

At the level of Tier three, the student would participate in individualized, on-on-one intensive interventions. Here too, the interventions would continue for several weeks, but would not exceed a grading period. If no progress is noted, the student will be formally assessed for special education services. Data gathered from all three tiers of intervention would be instrumental in making a decision regarding special education eligibility.

Cost of Learning Centers

The initial cost involved in setting up a learning center to work with students who are participating in RtI would vary from school to school depending on individual needs. An estimate of $27,905.00 is given for a learning center which would include six computer
stations, six computers, storage cabinets, conference tables, and 20 student chairs.

Included in this estimate is the cost of purchasing one specific RtI program inclusive of a 2-day training for staff. This particular program has a cost of $5.00 per student using the program and for purposes of this paper $500.00 was included in the estimate.

Utilizing the RtI model to support student exiting special education could ensure students are prepared to meet the demands of the general education classroom as well as reduce the number of students remaining in special education when they no longer meet eligibility criteria. Use of the RtI model prior to formal assessment for special education services would result in fewer students being identified for special education services, and would also reduce the risk of students remaining in special education when they no longer meet eligibility criteria. Many studies conducted over the years have revealed the flaws in the practice of using discrepancy criteria to identify students with special needs, in addition to the lack of progress noted with our current instructional practices in special education classrooms. RtI would address both of these areas.

Suggestions for Future Research

Future research could investigate the reluctance of IEP teams to exit students from special education services when they no longer meet eligibility criteria. This could be a qualitative study which would utilize a semi-structured interview with open-ended questions. Interviews could be inclusive of parents, students, teachers, and psychologists, with the goal of gathering information as to why there is a preference for the special education setting as opposed to the general education classroom.

Another area for future research is the outcome of students who are already participating in RtI. The research could address whether RtI has resulted in fewer
referrals for special education assessment or if the number of assessments is generally the same as in previous years. This could involve retrieving information from CASEMIS during the years prior to the use of RtI, specifically the number of students entering special education under the category of SLD, and comparing this number to the number of students that have been identified for special education services under the RtI model.
References


Harry, B., & Klinger, J. (2006). Why are so many minority students in Special Education?: understanding race and disability in schools.


Maryland State Department of Education. (1994). Maryland Special Education Data on Exiting Students Aged 14-21, School Year 1993-94. ED393231


