



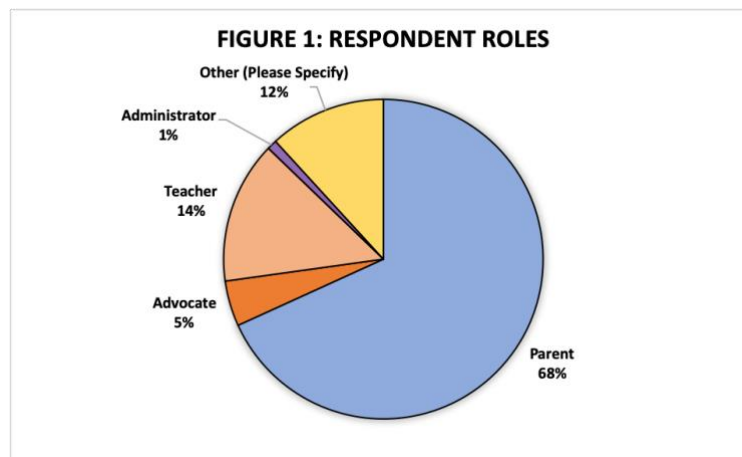
Inconsistency in Evaluation and Identification: LDA's Follow-up to the GAO's Report on Child Find

In April of 2019, the United States Government Accountability Office (GAO) issued a report examining how states implement Child Find and how Education monitors it. Child Find is an obligation mandated by the Individuals with Disabilities Education Act (IDEA) to identify all children who may need special education services, even if that individual's school cannot or does not provide the specific services needed by the child. Therefore, IDEA requires all states to develop a method for locating, identifying, and evaluating all children with, or are suspected to have, disabilities from birth through the age of 21. This includes all children who live in the given state (20 U.S.C. § 1412(a)(3)).

Since IDEA assigns Child Find responsibilities to the state level, there is no uniformity in how students are identified besides minimum criteria outlined by IDEA. As of 2016, the percentage of children aged 6 through 21, state by state, that were provided special education ranged from 6.4 percent to 15.1 percent throughout (GAO, 2019). Concerns about identification and evaluation are frequently noted by advocates and at times. As an organization advocating for the rights of all individuals with learning disabilities, the Learning Disabilities Association of America (LDA) often assists parents who are finding their requests for evaluation of their child going unanswered. LDA is aware that both over and under-identification of minority students for special education is problematic across the nation. Inconsistent screening, evaluation and identification procedures could play a role in disproportionate identification of minority children for special education. Other factors may also contribute to the variability in the percentage of students identified. After an investigative series of reports, the *Houston Chronicle* alleged that in order to save money, the Texas Education Agency set a cap on the percentage of students that could be identified as disabled and in need of special education services. As the result of an investigation into this allegation, the USDOE discovered that the TEA was not adequately ensuring that districts complied with their Child Find mandate (GAO, 2019).

The GAO was asked to examine how states execute their Child Find obligations and how the US DOE monitors the states. The GAO specifically examined various factors that may lead to differences in the percentage of students receiving special education in four states: Colorado, Iowa, Massachusetts, and New York. The investigation was completed by auditing special education data from 2011 through 2016, reviewing department information, interviewing education officials, interviewing agency officials tasked with the implementation of special education in each state, and interviewing individuals from special education advocacy organizations (GAO, 2019).

In response to the published report, the Learning Disabilities Association of America (LDA) created a survey addressing major themes presented by the GAO to assess public perceptions of special education and the Child Find process. Respondents to this survey primarily consisted of parents, teachers, administrators, and/or advocates who have experiences with or contribute to the special education identification and evaluation process. **The main goal of this survey collection was to gain insights into their experiences and perceptions, as well as ascertain whether their concerns aligned with barriers identified in the GAO report.** In total, 195 individuals responded to this survey, of which 68 percent identified as parents, 14 percent as teachers, 5 percent as advocates, and 1 percent as administrators. Of the 12 percent who identified as “Other,” the majority of individuals were students or former students with a disability, learning disabilities teacher consultants (LDTTC), or identified as holding more than one of the presented roles (Figure 1). Responses were received from residents of 29 different states, of which the greatest portion were collected from New Jersey (40 percent), Texas (6.67 percent), Illinois (5.64 percent), and California (5.13 percent). States evaluated by the GAO (Colorado, Iowa, Massachusetts, and New York) constituted a combined 8.21 percent of responses.



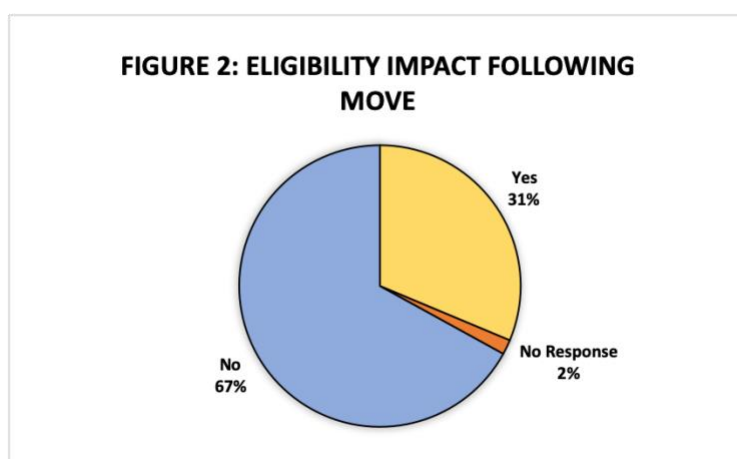
The overarching conclusion drawn by the GAO is that varied state eligibility criteria and challenges identifying and evaluating children may help explain differences in the percentages of children served state-to-state (GAO, 2019). These criteria and challenges will be elaborated below and applied to the context of survey results generated by the LDA.

Because Child Find mandates the identification of children from birth through age 21, IDEA is partitioned to have specific services for a range of ages. Specifically, IDEA Part C, which is typically referred to as “Early Intervention,” serves students from birth through age 2. Part B, or “School Age” service is further partitioned to serve pre-school children (age 3 through 5) and students age 6 through 21. However, since states have varied criteria, *how* children are identified and *who* delivers these services is inconsistent across the nation.

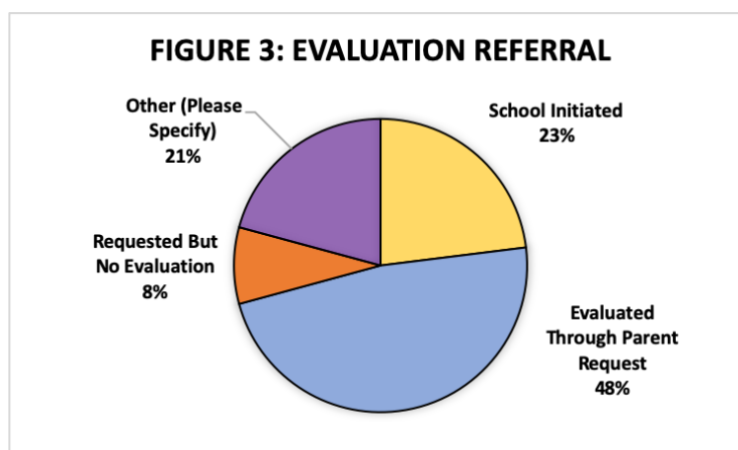
To receive early intervention, it must be found that a child is demonstrating developmental delays. However, states may arbitrarily assign the level of severity needed to qualify for services; for example, one state may designate that a child must be 25 percent delayed, while another may

specify 50 percent. As a result, a child may qualify in one state, but, if they were to move, may not be eligible for services in another. Some states may also provide early intervention services to “at risk” students, while others may choose not to. To further complicate the issue, families may not always experience a smooth transition from Part C to Part B programming. In certain states, one educational agency may be responsible for implementing both Parts C and B, while others may divide this responsibility between multiple service providers. Whether or not these agencies directly deliver interventions or contract out to outside organizations varies, as well. Furthermore, while evaluating for school age services, minimum IDEA standards must be followed in assessing for disabilities, but, in the case of specific learning disabilities (SLDs), states must establish their own eligibility criteria.

Therefore, depending on where a family lives, a student’s eligibility for services and the types of interventions they receive are greatly impacted. More than 31 percent of respondents from the LDA survey corroborated with this finding, conveying that their eligibility was impacted after moving from one school to another (Figure 2). For example, one respondent conveyed how they have lived in four different states and the eligibility criteria for special education was different in each one. Eligibility by location is an especially prominent barrier for military families who have children that require special education. Through the Department of Defense Education Activity Committee there exists an Interstate Compact on Educational Opportunity for Military Children, which was created to prevent children of military families from being penalized or delayed in achieving educational goals due to inflexible state policy (Department of Defense, 2017). However, despite the fact that all 50 states participate in this compact, it has been documented that military families encounter many challenges due to Permanent Change of Station (PCS) (Jagger & Lederer, 2014). Many respondents of this survey identified themselves as being a member of a military family and expressed how they felt as though school districts delayed evaluations or implementation of services because they could simply wait for the family to move again. As a result, the implications of varied state criteria may be most pronounced for children in military families. However, this issue is also evident even when moving *within* state to different school districts. One respondent conveyed how each time they moved to a different school district they needed to “fight for identification” because districts would disagree with the last school district’s evaluation methods. It seems as though without uniformity in the special education process overall, geographic location will remain a critical barrier for families.

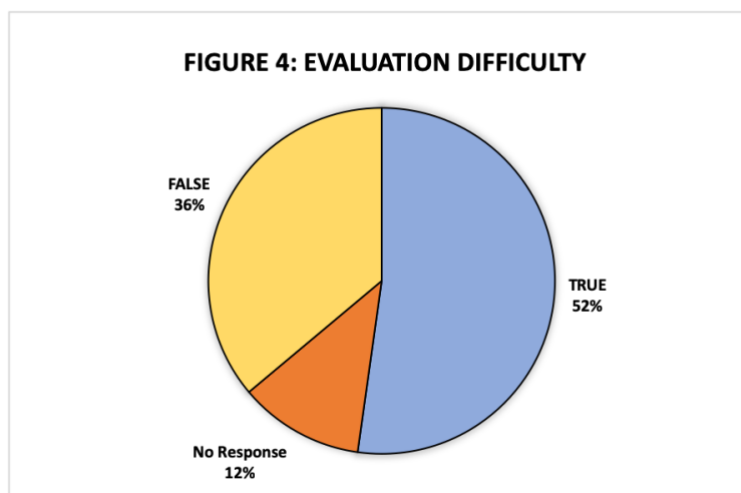


In addition to location playing a role in the percentage of children served, the GAO discovered other challenges unique to each part of IDEA. Specifically, for Part C, the GAO outlined how navigating the referral process, obtaining parental consent, and staffing limitations present as barriers to identification and evaluation (GAO, 2019). In terms of referrals, it was noted that parents and physician are often confused navigating this process or that physicians sometimes adopt a “wait and see” approach. While the onus of identification for early intervention greatly falls on physicians and parents because children are not yet of school age, overarching concerns were expressed by LDA survey respondents even for school-aged students. Almost 48 percent of respondents conveyed how they were able to receive an evaluation, but only *after* a parent requested an evaluation. Once again, while the referral process is critical for early intervention, once a student is of school age, it is the responsibility of schools to fulfill their Child Find responsibilities. While a parent may request an evaluation if they suspect their child has underlying factors impeding academic progress, schools are at the forefront in the identification process. However, it seems as though even educators may experience confusion regarding this obligation; for example, one respondent, who is a teacher, conveyed how classroom interventions were put in place for a struggling student due to teacher concerns, but an evaluation was not completed until a parent made a formal request. In instances like this, teachers may begin the identification process by requesting an evaluation from a school psychologist or diagnostician. It is then the responsibility of the evaluation team to obtain parental consent prior to evaluation.



Nonetheless, even if parents or guardians take the initiative to submit a formal evaluation request, one of the major concerns conveyed by respondents of the LDA survey is that families are being met with resistance by schools. In fact, more than 52 percent of respondents agreed that they experienced difficulty getting their student evaluated (Figure 4). Many respondents explained that their requests were denied by their child’s school; in fact, it was not uncommon for *multiple* requests being denied. As a result, many families felt forced to obtain costly private evaluations, some as expensive as \$2,200. Unfortunately, pushback from school administrators has resulted in feelings of distrust towards public educators, as many families would rather spend money out-of-pocket for seemingly better-quality evaluations. It is not uncommon for parents who are first experiencing the special education process to feel pressured because, unsurprisingly, they do not have a background in educational policy and the rights afforded to them. While this is problematic, one positive that occasionally arises from this situation is that parents may learn how

to become fierce advocates for their children and others. Advocates play a crucial role in helping to ensure children receive the proper services for an appropriate education. However, this consequence should not come at the cost of resistance on the part of schools.



The GAO highlighted additional barriers for students who are of school age that were corroborated by survey respondents. One of these focused on educator confusion over IDEA requirements. District officials interviewed in one state by the GAO explained that general educators frequently do not know when special education services are appropriate for struggling students and that when evaluations do occur, there is often little consistency (GAO, 2019). Multiple individuals who completed the LDA survey expressed anger or frustration over the fact that their children's schools were not in compliance or not following state policy. However, while inexcusable, if the sentiments expressed by officials in the GAO report are generalizable across the country, it is very possible that schools are unknowingly acting against state mandates due to confusion over policy.

The other prominent challenge centered around difficulties utilizing a Response to Intervention (RTI) model. RTI is a school-wide, multi-tiered service delivery model that identifies at-risk students through universal screening procedures, monitors their responsiveness to general education, and provides increasingly intensive interventions for non-responders. It is one of three acceptable methods outlined by IDEA that states may use in assessing whether a student has an SLD (Fuchs & Fuchs, 2006). However, the GAO has found that schools often delay evaluations as a result of RTI, that the quality of RTI varies district-to-district, state-to-state, and that educator training on this service delivery model often varies (GAO, 2019). Similarly, multiple respondents described how their children were a part of the RTI framework for one or multiple years prior to receiving psychoeducational testing. As one respondent conveyed, "the interventions used in each tier were completely ineffective for dyslexia." RTI can be a powerful method for ensuring that underperforming students receive support, but, once again, a lack of standardization can lead to delays in students receiving the most appropriate services.

There was only one major theme that arose in open-ended responses that was not addressed in the GAO report. Although this theme may not directly relate to Child Find, we would be remiss to

exclude it from this report. One of the more disheartening findings from the survey is that families and even former students recounted feeling like teachers and administrators “belittled,” “harassed,” or “bullied” students with disabilities. As one individual recalled, they “did not seem to grasp the scope” of their child’s disability. This issue permeates beyond even into college as students attempt to get accommodations for their disabilities. As another individual explained, professors or college officials may hold “bias toward people with learning disabilities,” believing that they are “cheaters, lying, [and] faking.” Therefore, schools—from preschool to the university level—must take steps to educate their own staff on ways different disabilities may impact students in the classroom, and hold faculty accountable for their treatment of individuals with disabilities. Microaggressions toward this population of students must be taken seriously and addressed by administrators to promote an atmosphere of inclusion.

Overall, most findings outlined in the GAO report align with perceptions and experiences of the LDA survey respondents. Unfortunately, because special education eligibility criteria is not uniform throughout the country, location remains a significant barrier both in identification and the services received. Even with states having significant autonomy in special education policy, educators often are still left confused about IDEA requirements. As a result, many districts that employ some form of RTI may delay evaluations because this model does not outline how long monitoring or interventions should be implemented. Conscientious parents who request evaluations for their children may experience pushback or may find their request denied. Therefore, states must begin to develop more standardized criteria and outline policies and procedures more clearly for both parents and educators to ensure students receive the services needed to succeed.

This LDA Report was compiled by William Pilny, M.Ed. a doctoral student in School Psychology at Temple University and a member of LDA’s Public Policy and Advocacy Committee and is based on data collected from a survey developed by Monica McHale-Small, Ph.D. LDA President

The Learning Disabilities Association of America (LDA) is a membership-based, non-profit organization of parents, educators, adults with LD, professionals, and academic researchers with 29 state affiliates and members in every state and territory. Established in 1964 as a grassroots movement, LDA’s mission is to create opportunities for success for all individuals affected by learning disabilities through support, education, and advocacy. For more information, go to www.ldaamerica.org.

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