

# **Washington State Association of School Psychologists Professional Practices Standards Guidelines in Defining Need for Special Education Services**

## **Background**

In order to be identified as a child with a disability in Washington State, a student must (a) meet regulatory criteria under one of the 14 disabling conditions, (b) demonstrate educational performance which is adversely affected by the disability, and (c) need special education and related services. The current Washington State regulations have less specific criteria than previous ones. The implication of this change is that professional practice will provide the standards by which practitioners address these components of eligibility.

It is with respect to the latter element that this guideline for professional practice is addressed. A practitioner cannot assume that because a student has met criteria under one of the 14 disabling conditions he or she has automatically met the standard for the remaining two conditions. (adverse impact and need). A direct relationship between a disabling condition and adverse educational effect must be established. It is critical for the majority of students to determine if accommodations in the general education program are sufficient and effective and, if not, whether special education and related services are needed. The model for determination of “need” is focused primarily for those students traditionally viewed as mildly involved students. For some students, the clear substantiality of their respective condition warrants special education. There are various models for establishing this “need.” However, the model used should apply a systematic format and make use of convergent data from multiple sources.

Historically, meeting regulatory criteria has been considered synonymous with an adverse affect on educational performance and the need for special education and related services. That a perceived disability co-exists with limitations in educational performance does not, alone, demonstrate a relationship. It is critical that evaluation groups establish a direct relationship between the disability condition and adverse general education impact. One without the other, in effect, stops the evaluation process, resulting in a determination of non-eligibility.

After determining that criteria are met and that a causal relationship exists between a disability and adverse educational effect, the need component of an eligibility decision answers the question of whether a child requires special education and related services. Evaluation groups must determine the “nature and extent” of need for special education and related services (WAC 392-171-040(1)(c)). This requires evaluation group members to consider available data and to distinguish between services wherein “individual accommodations within general education [that] alone would be sufficient and effective to meet the learning need” (not eligible for special education) (WAC 392-172-045(2)) and the potential need for specially designed instruction (WAC 392-172-045(4)(a)).

Critical to this standard is a definition of “need” which, at least with respect to regulations, is undefined. Indeed, while WAC 392-172-100(3), Childfind, provides school districts with the statement, “Such methods may also include a systematic, intervention based process within general education...,” there is a clear absence of specific process to establish “need”.

## **A Practical Model**

One means to conceptualize a “need” model is to reframe the relationship between special education and accommodations in general education. If accommodations were found to be sufficient and effective, then need for special education would not be demonstrated. Likewise, if accommodations were found to be insufficient and ineffective, need for special education would or could be demonstrated. This model assumes two factors: (a) interventions have been developed and implemented, and (b) an evaluation process exists that determines the effectiveness of the interventions. In effect, need is based on a process of implementing and evaluating, various interventions designed to address a student’s ability to be successful in the general education program.

While there are various models available, each is generally characterized by (a) problem identification, (b) problem analysis and data collection, (c) intervention design and implementation, (d) progress monitoring and (e) evaluation of intervention efforts. This systematic, intervention-based model is designed to evaluate the student's ability to benefit from the general education program. The goal is always focused on identifying the specific supports the student needs in order to be successful. The specific steps of the model are described below.

**Problem Identification** The presenting problems or behaviors of concern are described in objective, measurable terms that focus on the alterable characteristics of the student and educational environment. The student and the educational environment are evaluated through systematic data collection. The presenting problems or behaviors of concern are described in a problem statement that describes the mismatch between expectations of the general education curriculum and the student's performance.

**Problem Analysis and Data Collection** A systematic data-based process for examining all that is known about the presenting problem or behavior of concern is used to identify interventions that have a high likelihood of success. The evaluation group reviews all available information about the presenting problem or behaviors of concern and determines what if any additional information needs to be collected. The assessment may include use of the Review-Interview-Observation-Test (RIOT) format: (a) **R**eview of records or products, (b) **I**nterview (teacher/student/parent), (c) **O**bservation (systematic/narrative) and (d) **T**est (criterion referenced/curriculum-based measurement/norm-referenced).

**Intervention Design and Implementation** Interventions are designed based on the preceding analysis, the defined problem, parent input and evaluation group judgments about the potential effectiveness of the interventions. The interventions are described in an intervention plan that includes goals and strategies, a progress monitoring plan, and a decision making plan for summarizing and analyzing progress monitoring data and responsible parties. Interventions are implemented as developed and modified on the basis of objective data and with the agreement of the evaluation group.

**Progress Monitoring** Systematic progress monitoring is conducted. This includes regular and frequent data collection, analysis of individual performance across time, and modification of interventions as frequently as necessary based on systematic progress monitoring.

**Evaluation of Intervention Effects** The effectiveness of interventions are evaluated through a systematic procedure in which patterns of individual performance are analyzed and summarized. Decisions regarding the effectiveness of interventions focus on comparisons with initial levels of performance.

The problem solving model outlined above has often been implemented as a significant part of a non-categorical, special education system. It has been suggested that a non-categorical model provides a system which better supports implementation of a problem solving approach. Because Washington provides special education services, except for the 3-8 developmentally delayed option, on a categorical basis, implementation of a problem solving model may add an additional burden on teams. With that caveat in mind, the problem solving model can provide evaluation groups with process for documenting need for special education services.

## **Indicators for Establishing Need**

In addition to implementation of a problem solving model, evaluation teams may wish to consider the following indicators in establishing need:

The presenting problem or behaviors of concern have not been responsive to general education interventions.

The evaluation group has presented evidence of a dual discrepancy:

The student performs at a level below peers

The student demonstrates a learning rate that is substantially below that of peers

The resources necessary to support the student to participate and progress in the general education curriculum are beyond those available in the general education curriculum. This indicator assumes the presence of commonly available resources, such as Chapter One, Learning Assistance Program and English as Second Language. Need for special education is not determined by lack of these resources in general education.

## Discussion

To practice in a professionally sound manner, evaluation groups should use a systematic, intervention-based problem-solving model to arrive at documentation of the third eligibility standard: **need for special education and related services**. Using such a model, groups will have clearly identified the presenting problem, analyzed and collected data, designed appropriate interventions and monitored the results of the interventions. Systematically implementing such a process will provide the evaluation group with evidence that the presenting problem or behaviors of concern were or were not responsive to well-designed interventions within the general education setting. Implementation of such a model will also provide information about the nature and extent of the resources necessary for the student to progress in the general education program.

The use of a need requirement to the three-stage eligibility model adds critical, intervention-sensitive information which will assist in determining need for specially designed instruction. Critical attention to need, using a problem-solving model which incorporates interventions, practical measurement methods (such as curriculum-based), and evaluates results of interventions is professionally responsible and consistent with the parameters of professional practice.

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