

# ELIGIBILITY AND DISMISSAL FOR OLDER STUDENTS

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# WHY THIS TOPIC?

- ▶ This topic came up as a possibility following a conversation between Katie Trainor, Sarah Levinsky, and me prompted by questions re: determining eligibility in the older grades and how to make decisions about whether to move to consult or dismiss despite evidence of continued deficits.

# OF COURSE...

- ▶ Ellen's excellent presentation on the procedures for initial evaluations as well as re-evaluations still stands here
- ▶ Ultimately, older grades follows the same standards for eligibility as other levels
  - ▶ Still need to determine:
    1. Is there a disability?
    2. If so, is there an adverse effect on educational performance resulting from the disability?
    3. If so, are specially designed instruction and/or related services and supports needed to help the student make progress in the general education curriculum?
- ▶ The question of **need for specialized instruction** is what I want to highlight with respect to the MS/HS level

# ADVERSE EFFECT

- ▶ First, here's a reminder that educational performance encompasses more than just grades.
- ▶ From the US Department of Education in a [letter to ASHA](#) clarifying the phrase “adversely affects educational performance” as it's used in IDEA:
  - ▶ “It remains the Department's position that the term ‘educational performance’ as used in the IDEA and its implementing regulations is not limited to academic performance. Whether a speech and language impairment adversely affects a child's educational performance must be determined on a case-by-case basis, depending on the unique needs of a particular child and not based only on discrepancies in age or grade performance in academic subject areas. ... Therefore, IDEA and the regulations clearly establish that the determination about whether a child is a child with a disability is not limited to information about the child's academic performance.”

# WHAT IS ADVERSE EFFECT, THEN?

- ▶ Think about the areas you might check off on the speech report when finding a student eligible:
  - ▶ Academic
    - ▶ Although it is not **necessary** for eligibility, most often there is some kind of academic impact. This may be most noticeable for our students with language deficits, but think about stuttering and articulation/phonological disorders too (class participation, reading and spelling).
  - ▶ Social
    - ▶ This is one of the biggest parts overlooked when clinicians forget that it's not just about grades. Students with difficulties in language, articulation, stuttering, and (of course) pragmatics may struggle with peer relationships as a result. This IS part of adverse effect on educational performance as defined by IDEA and the US Department of Education.
  - ▶ Vocational
    - ▶ Similarly, post-secondary vocational/career opportunities can be affected by any of the areas we work on. I especially think about this for artic/phono and stuttering, but of course highly relevant to language as well.

# SPECIALIZED INSTRUCTION

- ▶ This is the question of whether our specialized services are necessary in order to support a particular student.
- ▶ This is always the hardest part for me to wrap my mind around – yes, there are students with disabilities that have an adverse effect on educational performance who nonetheless **don't need me.** (gasp)
- ▶ What this means is that, for one reason or another, the needs of this student can be met in the classroom or by other professionals. In the three-pronged approach to determining eligibility, this student doesn't qualify even though there is the presence of a disability as well as adverse effect on educational performance.

# EXAMPLES OF STUDENTS WHO MIGHT NOT NEED SPECIALIZED INSTRUCTION BY AN SLP

- ▶ A student with SLD who demonstrates a language disorder is getting As and Bs in classes and teachers report that strategies/accommodations you have suggested (e.g. graphic organizers, pre-teaching key vocabulary, audiobooks, etc) are successfully allowing that student to access the curriculum materials.
- ▶ A student who has nearly mastered articulation sounds at conversational level and working towards self-monitoring who can be supported with models and reminders by their teachers in the classroom.
- ▶ A student with a fluency disorder who has established strategies that enhance fluency and is working on self-monitoring/carryover can be supported with reminders by their teachers in the classroom.
- ▶ A student with pragmatic difficulties who is also seeing the social worker may already be getting adequate special education support.

# THE LRE DILEMMA

- ▶ Least Restrictive Environment (LRE) refers to the clause in IDEA which states that students with disabilities should be educated with students without disabilities to the maximum appropriate extent.
  - ▶ In other words, our students should not be removed from their classrooms more than is absolutely necessary for their needs to be met.
- ▶ When thinking about a student who may be eligible for dismissal, this is one factor on my mind – if I keep a student on my caseload who can receive adequate supports within the classroom or via what's being provided by another special education program, then I am violating that student's LRE and therefore not providing a Free Appropriate Public Education (FAPE).



# DISMISSAL

- ▶ There are several factors to consider when it comes to dismissal (again, including for students who have a disability and who demonstrate adverse effect on educational performance), and some of these have come up for me more often in older grades, especially high school:

Recommendation is based on one or more of the following criteria:

- Student has met all targeted speech and language goals/benchmarks. No additional intervention is warranted.
- Student has developed compensatory skills that are functional in the deficit area(s).
- Speech-language stimulation or support can be provided more adequately through classroom modifications and/or other special education programs.
- Extenuating circumstances such as medical, dental, social, etc., warrant discontinuation of services temporarily or permanently.
- Intervention no longer results in measurable benefits, despite document use of a variety of appropriate approaches and/or strategies.
- Kevin is unwilling or unmotivated to participate in therapy
- Kevin's attendance has been inconsistent or poor and efforts to address these factors have not been successful.
- The disorder no longer has an adverse effect on Kevin's educational performance (academic, social, vocational).
- Other:

# SIDE NOTE: A PROBLEM WITH THE IMPACT SPEECH REPORT?

- ▶ Sarah and I noticed an issue on IMPACT – there’s a logical inconsistency as far as the three-step approach to determining eligibility goes.

## Summary and Recommendations

Does Kevin have a communication impairment that adversely affects educational performance?  Yes  No

- ▶ Following the logic that some students may demonstrate either or both 1) a disability and 2) adverse effect on educational performance, but STILL not qualify, it doesn’t make sense that clicking “YES” does not allow you to specify this and choose dismissal criteria.
  - ▶ Don’t want to click “no” in this scenario because, of course, there is a communication impairment.
  - ▶ Going to follow up with CPS SLP to find out if we can click YES and still dismiss by explaining, or whether we *MUST* click NO in order to dismiss.
  - ▶ The eligibility document is better (allows for this possibility), but is only relevant if the student is speech-only.

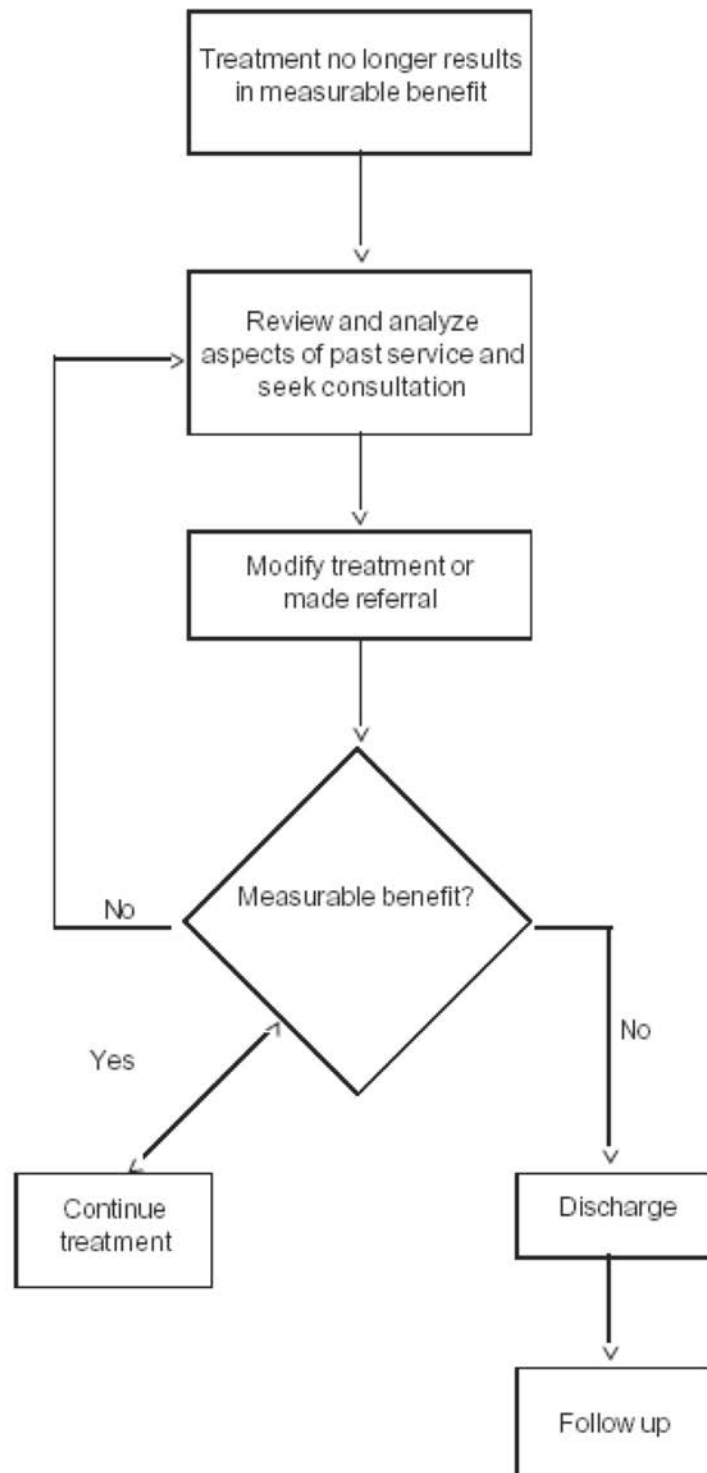
# MOTIVATION/ATTENDANCE

- ▶ Although these can be issues at any point during a student's tenure in speech, high school is where I've seen it be the biggest problem.
- ▶ Need to think about the population of students that we see and what they're dealing with outside of school because of structural inequalities/how it might affect them in school:
  - ▶ Chronic or temporary homelessness
  - ▶ Food insecurity
  - ▶ Court involvement and legal issues
  - ▶ Trauma, anxiety, depression
- ▶ It shouldn't come as a surprise that school attendance and motivation to attend speech are low.
- ▶ I tend to want to keep these students despite this to have the most impact I can, but it is nonetheless a legitimate criterion for dismissal.

# COGNITIVE REFERENCING

- ▶ We need to be extremely careful that our consideration of dismissal does not rely on “cognitive referencing.”
- ▶ Per ASHA:
  - ▶ “Comparing IQ and language scores as a factor for eligibility for speech-language intervention is known as cognitive referencing. Cognitive referencing is based on the assumption that language functioning cannot surpass cognitive levels. According to researchers, the relationship between language and cognition is not that simple. Some language abilities are more advanced, others are closely correlated, and still others are less advanced than general cognitive level. Research results in recent years have demonstrated that cognitive prerequisites are neither sufficient nor even necessary for language to emerge. Therefore, **ASHA does not support the use of cognitive referencing.**” – [School Services Frequently Asked Questions](#)
- ▶ That doesn't mean that a student with an intellectual disability can never be dismissed from services.

**Figure 1.** Discharge considerations when treatment no longer results in measurable benefits.



# THE CONSULT OPTION

- ▶ Putting a student on consult is one “in between” option here
  - ▶ Rather than dismissing the student entirely, putting them on consult means you still have the opportunity (and requirement) to check in with teachers about them.
  - ▶ You can see whether they make academic progress without direct service, monitor their carryover, and continue to provide support to teachers as they work with the student.
  - ▶ It’s less restrictive than direct service, but still a legitimate service delivery model.
    - ▶ I’ve added more consult minutes for students with and without direct service when necessary in order to ensure my students get the support they need and teachers can benefit from knowledge, suggestions, etc.
  - ▶ There is always the option to add the student back to your direct service caseload at the next IEP or sooner with parent permission.
  - ▶ NOTE: Speech-only students cannot also be consult-only.

# ON THE OTHER HAND...

- ▶ Don't walk away with the impression that our oldest students should always be dismissed!

# QUESTIONS TO ASK OURSELVES WHILE MAKING ELIGIBILITY DETERMINATION

- ▶ There are a lot of reasons why we might still be involved with older students, and we need to be asking ourselves questions like this related to eligibility criteria:
  - ▶ Are they making measurable progress, even if it's slow?
  - ▶ Is there another approach that hasn't already been tried?
  - ▶ Are they still struggling to get to the "carryover" stage for articulation/phonological disorders or fluency disorders?
  - ▶ Are there strategies I haven't tried yet?
  - ▶ Are we still the only professionals who can provide the kind of support that is required for this student?
  - ▶ Has this student shown renewed motivation to participate in therapy?



# WHY SHOULD SLPS STAY INVOLVED WITH ADOLESCENTS?

- ▶ Adolescents with spoken and written language problems are at risk for emotional/behavioral disorders. (Sam Goldstein, PhD, ABPdN)
- ▶ Disciplinary literacy
  - ▶ Domain learning and language are intertwined – facility with academic language is critical to success in secondary school. (Zihui Fang, PhD)
  - ▶ Our students, especially, need explicit instruction about the meaning, logic, structure, and function of academic language
- ▶ Lack of social communication skills can be linked to negative social outcomes, such as delinquency. (Kristine Noel, PhD, CCC-SLP)
  - ▶ And, if you remember my last presentation, you might also remember that adolescents with language disorders are hugely overrepresented among juvenile offenders!
- ▶ SLPs can promote successful workforce transition for students with ASD by paying special attention to the linguistic/cognitive underpinnings at the heart of transition. (Kimberley Murza, PhD, CCC-SLP)
  - ▶ Social communication skills, oral communication, written communication

# BIG QUESTIONS

- ▶ How do we deal with literacy at the high school level? I've seen many students in high school who still experience serious difficulty with phonological awareness skills.
  - ▶ Who works on that?! Should I be seeking out and picking up every student with reading difficulty? That seems unsustainable given the widespread issues of literacy among even our older students...and issues of special education funding.
  - ▶ Is it evidence-based to work on those phonological awareness skills? Is there a better approach?
    - ▶ Yes, there is at least some evidence base for PA – see citations
- ▶ What do we do about the fact that our testing materials (e.g. CELF-5) are not psychometrically appropriate for the population that we're working with?
  - ▶ Over-identifying disability in students who are speakers of NMAE...and over-identification of black students in special education in general
  - ▶ Culturally inappropriate testing items

# RELEVANT ARTICLES/CITATIONS

- ▶ Bhat, P., Griffin, C. C., & Sindelar, P.T. (2003). Phonological Awareness Instruction for Middle School Students with Learning Disabilities. *Learning Disability Quarterly*, 26(2), 73–87.  
<https://doi.org/10.2307/1593591>
- ▶ Swanson, T.J, Hodson, BW, and Schommer-Aikins, M. (2005). An examination of phonological awareness treatment outcomes for seventh-grade poor readers from a bilingual community. *Lang Speech Hear Serv Schools*, 36(4), 336-45.
- ▶ See handouts from ASHA online conference in shared folder.