

The Pandemic's Impact on Special Education Evaluations and SLD Identification

School psychologists spend almost 60% of their time assessing and serving students with special needs (Benson et al., 2019), which does not stop in the face of a global pandemic. Thus, it is likely that the single issue about which school psychologists are most concerned is how to continue or begin a special education disability identification assessment during or immediately following a lengthy school closure due to the COVID-19 pandemic. In this paper and the accompanying webinar for NASP members, we will offer guidance regarding how school psychologists can address issues regarding the identification of students with specific learning disabilities (SLDs) when schools reopen after the extended school closures necessitated by the COVID-19 pandemic. Because many schools use response to intervention (RTI) as part of the evaluation of SLD, and because all SLD evaluations must consider whether the student's academic concerns are a function of a lack of instruction rather than an SLD, we will start with the need to reestablish core instruction for all and evidence-based interventions for students who might be identified as having SLD. We will then address how and when to refer a student for an evaluation and how those evaluations might best proceed in this unusual and unprecedented situation. (The full Return to School academic webinar series is available at the NASP website at <https://www.nasponline.org/covid-19-webinar-series>.)

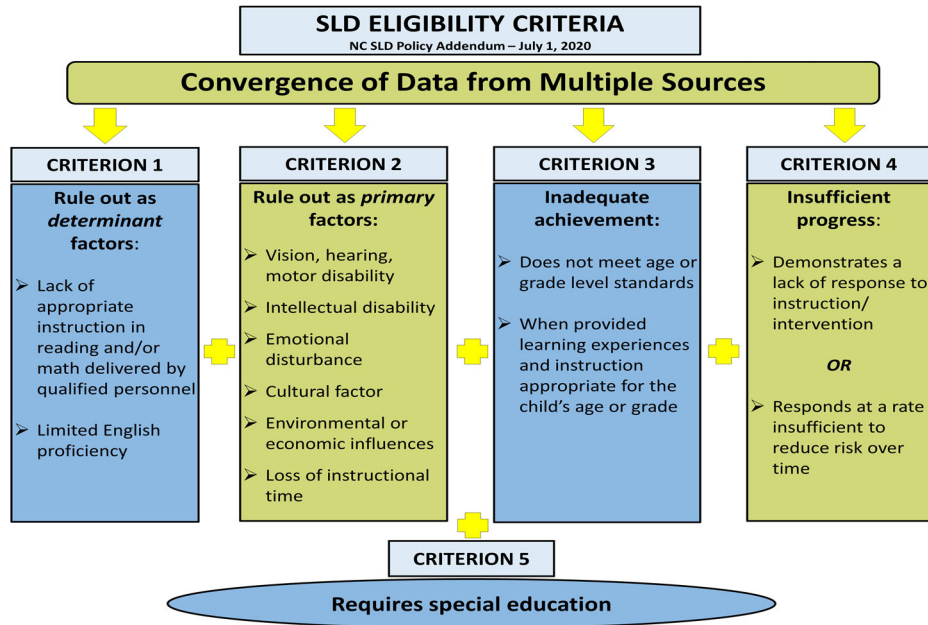
Realigning the Order of SLD Identification Criteria to Mitigate the COVID-19 Effect

As school psychologists know, the 2006 IDEA Regulations specify that, for a student to be identified with an SLD, four criteria must be fulfilled, and the student must also display a significant degree of need to qualify for special education. The criteria are: (a) the student must fail to meet age- or grade-level standards in one of eight academic areas, (b) the student must either display a lack of progress in response to scientifically based instruction (i.e., RTI) or display a pattern of strengths and weaknesses in performance and/or achievement, (c) other disabilities or situational conditions must be ruled out as the primary cause of the student's academic difficulties, and (d) the student's academic difficulties must not be primarily a function of a lack of instruction. Our colleagues in North Carolina recognize the unique circumstances caused by the COVID-19 pandemic (North Carolina Department of Public Instruction, 2020) and have rendered these criteria plus the degree of need in a unique way (see Figure 1). This depiction has particular relevance to how the evaluation for SLD is carried out after the pandemic school closure because it envisions the process as starting with the rule-outs of lack of instruction and other factors, rather than concluding with it. That is, it emphasizes the need to establish (or in this case, reestablish) core instruction and evidence-based interventions as the first and most important task not only for all students but particularly for students who might be considered for SLD identification.

Reestablishing Core Instruction and Supplemental Interventions

The first rule-out factor in any SLD identification is lack of appropriate instruction, which seems especially important given the 5- to 6-month break from face-to-face instruction. Most students were offered optional hard-copy packets and online instructional activities, but most were intended to review or apply previously learned material rather than teach anything new (St. George et al., 2020). Moreover, there was considerable variability in access to these learning opportunities based on available internet connectivity. In other words, even if schools return to in-person instruction in the fall, it will be almost impossible to rule out a lack of appropriate instruction as a causal factor in learning difficulties, which makes reestablishing effective core instruction a top priority.

Figure 1. Schematic Depiction of Specific Learning Disability Identification Criteria



Note. Source: North Carolina MTSS Implementation Guide. Reprinted with permission.

The second way in which core instruction will need to be modified is to implement class-wide reading intervention immediately when school begins. VanDerHeyden recommended using class-wide interventions prior to universal screenings in the fall in order to increase screening decision accuracy, and Burns and Runge both discussed its implications for student learning (National Association of School Psychologists, 2020). Given that class-wide interventions were discussed elsewhere, we will not revisit them here except to emphasize their importance for reestablishing core instruction when schools return to in-person instruction.

Students are likely to return to school with even larger deficits between skill and their new grade-level expectations, which makes class-wide intervention so important. However, there will still be a number of students whose academic deficit persists after class-wide interventions occur. Because student skills may be lower, Tier 2 interventions that seemed effective last year may not be effective this year. As discussed in the previous webinar on the implications of the pandemic on reading intervention, school personnel should more closely match Tier 2 interventions to student needs. The assessment-to-intervention model outlined in Figure 2 can be used to target intervention efforts (see <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/webinar-series/the-pandemics-impact-on-academic-interventions-reading> for more information).

Considerations for Identifying Students for Evaluation for SLD

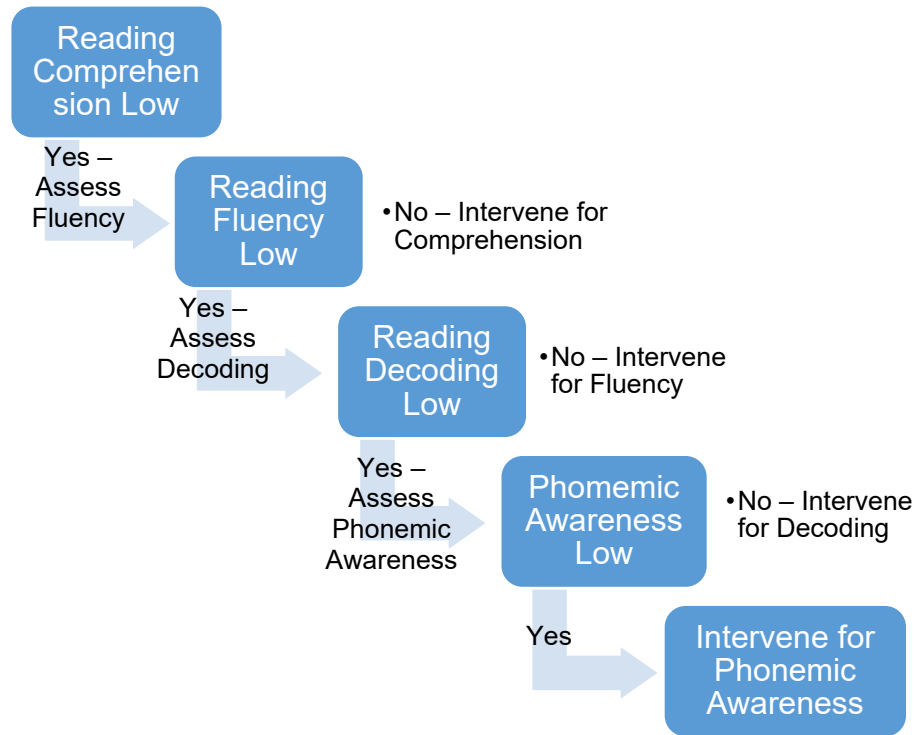
Having established the essential step of reestablishing core instruction and supplemental interventions, a practical consideration is when it will be prudent to refer a student for an evaluation for SLD after schooling continues. Child find requirements have long been a federal requirement, and it has further been stipulated that procedures such as RTI must not create an unreasonable delay in identifying students with SLD (Office of Special Education and Rehabilitative Services, 2007). Nonetheless, students who have not been in school for extended periods, especially those with academic deficiencies, will likely have fallen further behind during the pandemic-related school closures and summer break. This situation embodies a conflict between the child find and lack of instruction requirements and creates potential problems with both overidentification and underidentification of SLD.

Overidentification can occur if sufficient time is not taken to reestablish core instruction, reassess the student's skill levels after the extended school closures and summer break, intervene quickly and incisively with an intervention

Regardless of the topic being taught, there are some basic principles that should be implemented when in-person instruction returns. School psychologists could consult with teachers and administrators on the following basic points. Readers are also referred to Rosenshine (2012) for a succinct overview of effective core instruction.

1. **Focus on the academic basics.** Schools will need to prioritize reading, writing, and mathematics in the fall, even if it is at the expense of other subjects.
2. **Adhere to the curriculum or instructional program.** Teachers at all grade levels famously drift from core curriculum when implementing it, even when implementing a workshop approach without a formal curriculum. It is easy to emphasize and assess implementation of a formal curriculum, but even workshop models have principles from which teachers can drift. It will be critically important to monitor potential drift to ensure all curricula are being implemented as intended.
3. **Start the year with a review of foundational skills.** Because learning packets were reviews rather than instruction in new material, there may be systematic holes in student learning. Thus, school personnel will likely need to teach skills at each grade level that were previously considered too foundational for that grade. For example, decoding multisyllable words is an instructional goal for third grade, and applying previously learned skills to read unfamiliar multisyllabic words in text is a fourth-grade instructional target (National Governors Association Center for Best Practices, Council of Chief State School Officers, 2010). Fourth-grade teachers may have to reteach the approaches to decoding multisyllabic words in the fall or may even need to review skills such as reading vowel teams, prefixes and suffixes, etc., which may be considered more appropriate for late second or early third grades.
4. **Review previous material in each lesson.** In addition to reteaching foundational skills, teachers should begin each lesson with a review of relevant facts and concepts to be sure that all prerequisite knowledge is acquired.
5. **Provide explicit and systematic instruction.** Calls for explicit and systematic instruction have existed in education for decades, but it is especially important now because of the clear and powerful effect for struggling learners and economically disadvantaged students (Foorman & Torgesen, 2001). It goes beyond the scope of this webinar to explain what explicit and systematic instruction is, but we will highlight a few major points on which school psychologists can consult with classroom teachers. First, instruction should build on what was previously taught so that all information in any given lesson is either being taught or is known from previous instruction. Second, all new material should first be modeled, completed with assistance, and then completed independently. It is counterproductive to let students struggle to complete a task. Instead, students should be provided with a model and scaffolded practice to be successful. Students should then never be expected to complete a task independently until they can complete it with 90% accuracy for most tasks, or can read the words with 95% accuracy when reading connected text. Finally, students should be provided frequent opportunities to respond to instruction. Learning is not a spectator event. All students should actively be engaged in instruction at least once per minute, which can be accomplished with choral responding, sharing with their neighbor, writing, raising hands to answer questions, etc.
6. **Assess often.** Student progress will need to be closely monitored for all students to ensure that they are ready to move on to the next instructional objective. Thus, it may be necessary to conduct weekly progress monitoring assessments with a large number of students (e.g., students who scored at or below the 40th or 50th percentile on the last benchmark assessment that was completed). We suggest casting the net wider than usual to ensure that no students are missed. Additionally, school personnel should assess mastery of specific objectives immediately after teaching them, and should reteach those objectives that at least 90% of the classroom has not mastered.

Figure 2. Assessment-to-Intervention Framework for Reading



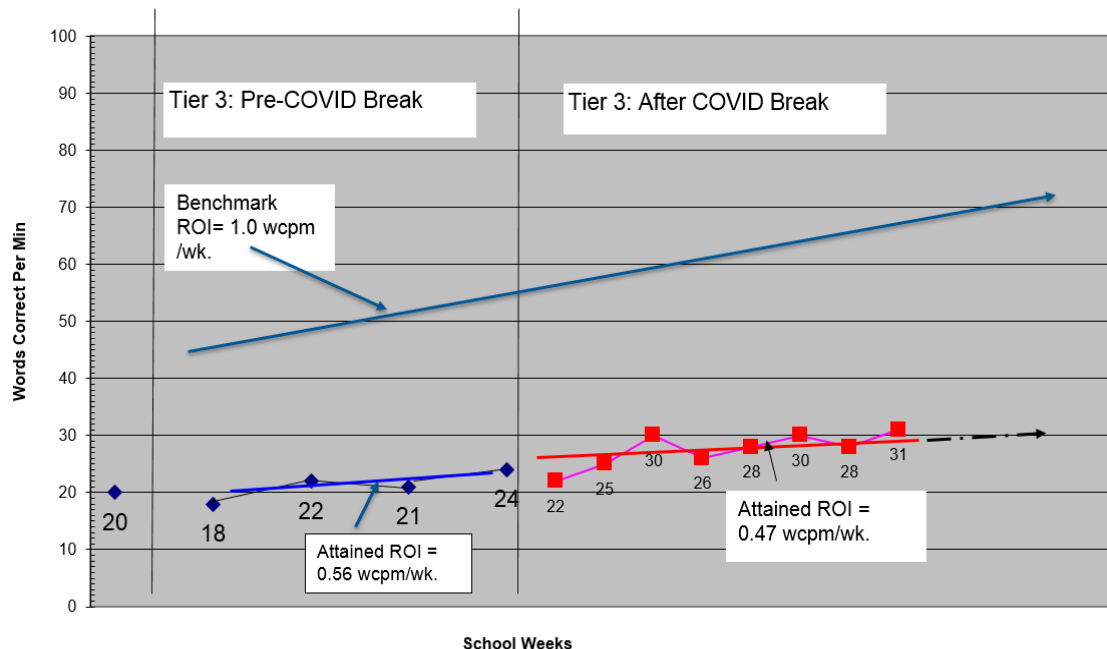
matched to the student’s need, and assess the student’s progress. This is especially critical for students who are economically disadvantaged, who may have been particularly limited in access to online instruction during the break in formal schooling, and for students who have limited English proficiency (both specific rule-outs for SLD). This concern is exacerbated by the likelihood that many students will need a period of time to emotionally readjust when returning to school, particularly elementary-age students who are most often identified with SLD. Parents who are understandably concerned about their children’s academic struggles may add to the push for early special education evaluations. Underidentification of SLD can occur for those students who had been receiving intensive (Tier 3) supports and displaying a significant lack of progress before the extended school closure due to the pandemic. While some readjustment to school and reestablishment of interventions are still needed, it may be inappropriate to unduly extend the readjustment period prior to making a formal referral for evaluation.

As with all such decisions, the data collected on the student’s RTI during supplemental intervention are the best resource for deciding when to initiate the formal evaluation. In this case, it is important to review data on the student’s growth both before and after the extended school closure and summer break. For example, as displayed in Figure 3, the student was displaying a poor rate of improvement (ROI) during Tier 3 supports before the extended school closure and continued to show meager growth when Tier 3 supports were reestablished when the student returned to school. Thus, the combination of a very deficient level of performance along with a poor RTI that has not closed the gap with peers in spite of the use of an intervention that is carefully matched to the student’s needs would signal the need to proceed with an evaluation (Kovaleski, VanDerHeyden, & Shapiro, 2013).

The Special Education Eligibility Evaluation After COVID-19 School Closures

The extended school closure due to COVID-19 creates two problems for conducting SLD identification evaluations in addition to the inability to rule out a lack of appropriate instruction. First, what do school psychologists do with evaluations that started before the school closure? Second, how we complete new initial evaluations after in-person instruction begins? We will comment on both below.

Figure 3. Graph of Progress Monitoring Data Before and After COVID-19 School Closure



In Process Evaluations

Schools are required by federal law to complete special education evaluations within 60 calendar days, but many states have different requirements (e.g., 40 school days). If the state requires school days, then school teams may be able to argue that the timeline for the evaluation stops during the extended school closure. If the state uses calendar days, then school personnel can request that parents grant an extension to the deadline. An extension may also be appropriate for other reasons due to the extended school closure, but school personnel *cannot* request an extension to implement RTI. Readers are referred to their state departments of education websites for additional information about timeline extensions due to COVID-19.

In the event that an extension cannot be granted, school teams should have a conversation about what assessments are needed to identify a disability, and those that are not absolutely necessary can be eliminated. For example, it is common practice for school psychologists to complete a behavioral rating scale and an intelligence test for every evaluation (Benson et al., 2019). Intelligence tests *are not* required for SLD identification, and behavioral scales may only be needed if there is a behavioral concern. Thus, school teams may decide to forego intelligence testing and behavioral ratings, among other possibilities, to expedite the assessment process as appropriate (e.g., intellectual disability is not suspected and there are no behavioral difficulties). Moreover, many aspects of an identification evaluation can be conducted when school is not in session (e.g., developmental history, review of existing data), and teams can conduct those aspects prior to a return to in-person instruction.

New Initial Evaluations

All states must allow the use of RTI to identify SLD, but it is not required by federal law. However, there has never been a time when determining if a child responds to scientific, research-based interventions as part of the SLD identification process was more important, because the validity of SLD identification could be seriously questioned in schools following the pandemic.

One reason why SLD identification could be questioned is that the norms for standardized tests may not apply. Some states and school districts are utilizing alternative research-based approaches to identifying SLD, commonly referred to as a pattern of strengths and weaknesses (PSW), as an alternative to RTI or the discredited ability–achievement discrepancy model. PSW relies on interpreting subscales of IQ tests, and research has consistently questioned the validity of decisions made with IQ subtest scores (McGill, Dombrowski, & Canivez, 2018). The American Psychological Association (APA) provided guidelines for virtual assessments during the pandemic in which they

reminded psychologists that tests are normed on face-to-face assessments, which makes comparisons to the norm group questionable (see <https://www.apaservices.org/practice/reimbursement/health-codes/testing/psychological-telehealth>). As a result, the APA suggested that practitioners focus on more robust full-scale scores rather than subscales. Even if the assessments were not conducted virtually, they were not normed after a 5- to 6-month disruption in school, which again questions comparisons to norms and suggests extreme caution in interpreting subtest scores. It may also be wise to use grade norms on achievement tests with considerable caution, too.

A full and individual evaluation of students for SLD must consist of a complete appraisal of the five criteria displayed in Figure 1. The student must display a failure to achieve proficiency in one of the designated academic areas, as indicated by significant deficits on recently administered curriculum-based and/or norm-referenced assessments (Criterion 3 in the figure). When using RTI (Criterion 4 in the figure), an analysis of the student's progress (or lack thereof) both before and after the COVID-19 school closure is key. How poor the student's RTI needs to be to qualify for SLD identification under these criteria is an important consideration, and is particularly salient in this situation. In this case, the postclosure ROI is most important, because it can be used to project the student's current progress into future performance. As described by Kovaleski et al. (2013), if the trajectory of student's current attained ROI does not close the achievement gap with typically performing peers in a reasonable amount of time, the student would qualify under this criterion. This projection must include a consideration of the likelihood that the student made no progress or lost skills during the extended school closure and summer break.

In addition to these inclusionary criteria, the evaluation team will also need to consider whether the student's deficient level of performance and poor RTI is a function of another condition other than SLD (Criterion 2 in Figure 1) or is a result of a lack of instruction (Criterion 1 in the figure). This latter exclusionary factor is particularly important in postclosure evaluations, because there should be evidence that goes beyond the typical considerations of whether the student was exposed to a rigorous core curriculum and evidence-based interventions. Because all students lacked instruction for up to half a year, the evaluation team should appraise the efforts made to reestablish high quality instruction and individualized supplemental interventions that we described above. Finally, whether the student who qualifies under the first four criteria also needs special education in order to make meaningful progress must be evaluated. A student who qualifies for special education must need a level of intensification that can only be delivered through specially designed instruction and supportive services.

Conclusion

Although a return to in-person instruction would likely be a welcomed semblance of normalcy, it will bring unique challenges. Continuing to identify SLD the way we always have before, without reestablishing core instruction and intervention, without rethinking our assessment practices, and without carefully considering exclusionary criteria, will likely result in a greater disparity between high and low achievers that over- or underidentifies SLD. None of these outcomes are desirable for the children that we serve. This is also a unique opportunity to reconceptualize SLD, which has been a controversial construct since it was first institutionalized in federal law so that identifying a child as learning disabled will lead to positive results for that child.

RESOURCES

- Acadience Learning K–6 reading assessment guidance, https://acadiencelarning.org/wp-content/uploads/2020/04/Spring2020_COVID-19_AcadienceReadingK-6_Guidance.pdf
- Videos of virtual reading interventions, https://www.youtube.com/channel/UC0ad1ei6p_HOHHhc-T-JnZg/videos?
- Department of Education COVID-19 resources page, <https://www.ed.gov/coronavirus>
- National Association of School Psychologists Ask the Experts Return to School Academic Series, <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/return-to-school>

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