LARRY P. RULING AND SPECIFIC LEARNING DISABILITIES: ANALYSIS OF SCHOOL PSYCHOLOGY PRACTICE USING A CASE STUDY

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in
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by
Zhanna Kusmanova
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DEDICATION

I would like to dedicate this work to my family who have modeled for me their love for learning, their resilience in the face of challenges, and their inspiring bravery in transcending new boundaries.
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My deepest gratitude is dedicated to my committee members: Leesa Huang and Donna Kreskey. Thank you for your continuous support with my thesis journey since my first year in the program. I appreciate your time, enthusiasm, and guidance in working with me. Your wisdom and hard work have been an inspiration to me.

A heartfelt thank you to my mother for reminding me to breathe and to take one step at a time. Thank you to my father for reminding me of my roots and encouraging me to make myself proud. Thank you to my roommate, Karin Wells, for being my number one supporter. Thank you to my cohort and all of my friends for their continued support and encouragement throughout my graduate school experience.
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ABSTRACT

LARRY P. RULING AND SPECIFIC LEARNING DISABILITIES: ANALYSIS OF SCHOOL PSYCHOLOGY PRACTICE USING A CASE STUDY

by

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Master of Arts in Applied Psychology

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The Larry P. v. Riles court case of 1979 prohibited the use of intelligence tests in the state of California for the purposes of determining special education eligibility with African American students enrolled in public education. This legislation resulted in a dramatic shift in the service provision of school psychology practitioners who have traditionally relied on the use of intelligence tests for special education determination. Despite the legally mandated changes, the question remains as to how special education eligibility is determined for students whose learning disabilities call for the use of intelligence tests, as in the case of Specific Learning Disability. This study examined how
consistently practitioners in California determined SLD eligibility for a case impacted by the *Larry P.* mandate, what information the participants found most pertinent to their decision, and how school’s assessment models (Discrepancy; Response to Intervention) interacted with eligibility determinations. Overall, results indicated that the lack of information from intelligence tests appears to have drastic implications for African American students’ overrepresentation in special education. Furthermore, practitioners’ practice under the various assessment models suggested that there is a lack of initiative and comfort level in moving towards assessment practices that rely less on intelligence scores and more on data of students’ progress to interventions.
CHAPTER I

INTRODUCTION

Background

In the landmark 1979 *Larry P. v. Riles* court case, Judge Robert Peckham ruled that intelligence quotient (IQ) tests were racially and culturally biased against African-American students. The use of IQ tests in the investigation and documentation of learning disabilities was said to lead to the overrepresentation of African-American students in special education (SPED) classes. Although SPED classes were designed to scaffold students who struggle with learning disabilities, many students receiving such services were shown to in fact be deprived of an appropriate education. This evidence reported in the *Larry P.* (1979) case led Judge Peckham to deem SPED classes as “dead end” classes that violated the plaintiff student’s educational rights. The result of this decision led to the prohibition of IQ tests for the purposes of determining the presence of learning disabilities in the African-American student population. This ruling led to a dramatic shift in the provision of services by school psychology practitioners who have traditionally relied on the use of IQ tests in guiding SPED eligibility in the state of California.

The IQ test has been a traditional tool in the identification of many learning disabilities recognized under the current iteration of the federal law, Individuals with Disabilities Education Improvement Act (IDEA). There are 13 disabilities recognized under IDEA: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other
health impaired, specific learning disability (SLD), language or speech disorder, traumatic brain injury, visual impairment (P.L. 108-466, Sec. 602[30]). Although IQ testing plays a role in determining many of these disabilities, the determination of SLD relies heavily on IQ testing results. SLD is defined as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations” (P.L. 108-466, Sec. 602[30]). This statutory definition indicates that SLD involves psychological processes that should be directly assessed (Hale et al., 2010; Reynolds & Shaywitz, 2009). As a result, the prohibition on the use of IQ tests to guide identification with African-American students has posed significant concerns about increasing subjectivity and bias in the SPED eligibility process, especially for the SLD category. Despite the concern, not much is known about the realities of SLD assessment for the African American population.

Furthermore, the reliance on IQ tests to determine SLD is complicated by the various models of practice. The current provision of IDEA (2004) allows school psychologists to practice using one of three models: ability-achievement discrepancy model, processing strengths and weaknesses model (PSW), or response to intervention model (RTI). Although each model offers a unique theoretical perspective on the role of IQ tests in identifying SLD, two of the three models depend on the use of IQ test scores.

The operational definition of SLD has generally included a discrepancy, or the unexpected or unexplained failure to benefit from typical instruction (Werts, Lambert, & Carpenter, 2009). As a result, one model that implements the analysis of a simple discrepancy between a student’s expected response to instruction (determined by
standardized IQ tests) and the student’s actual response to instruction (determined by standardized achievement scores) is the ability-achievement discrepancy model. This model has served a traditional role in the assessment of SLD as it proposed that “individual differences (abilities, psychological or hypothetical cognitive processes, and personality) are correlated with actual educational achievement and behavior” (Ysseldyke & Reschly, 2014, p. 72). This model identifies SLD by determining the presence of achievement scores that are lower than would be expected given average or above-average IQ scores (Aaron, 1997). Specifically, if a student’s academic achievement is at least one-and-a-half standard deviations lower than his/her IQ score, then this profile would be said to be indicative of SLD (Aaron, 1997). Despite its traditional roots, the ability-achievement model has shown to be an invalid approach given the lack of empirical support for the proposed correlation. In addition, the discrepancy formula (one-and-a-half standard deviation difference) lacks sensitivity to differentiate those who truly need special education services from those who are slow learners or have exceptional circumstances.

Given the difficulties with the ability-achievement model, another discrepancy approach was introduced, the PSW model. Unlike the ability-achievement model which merely determines significant discrepancies between IQ and academic scores, the PSW model calls for the observation of a pattern of psychological processing strengths and weaknesses and the relation of these patterns to achievement or academic deficits (McGill, Styck, Palomares, & Hass, 2016). The analysis of such patterns, as measured by standardized IQ tests, have been proposed as alternative because doing so attempts to ensure that “children identified with SLD demonstrate one or more processing deficits
that interfere with academic achievement, the core characteristic of SLD” (Hale et al., 2010, p. 229). Furthermore, the PSW model is thought to lead to more effective individualized interventions for children who do not respond adequately to intensive interventions (Hale et al, 2010). Despite the unfolding evidence, caution must continue to be exercised in the use of this model given concerns with regard to its validity and reliability (McGill & Busse, 2016).

While the two discrepancy models rely on the assumption that there are intrinsic cognitive factors that are related to particular academic difficulties, the RTI model, on the other hand, conceptualizes SLD, and other learning disabilities, in a different light. RTI is a multi-tiered method of instruction that concerns itself with delivering research-based instruction based on the academic needs of the students (Barnes & Harlacher, 2008). Such a multi-tiered system (typically three or four tiers) argues that learning needs are best addressed with evidence-based instruction and supports that become progressively and systematically more intense for the students whose learning needs are not being met. Thus, the intensity of a student’s academic instruction depends on the degree to which this student is showing responsiveness to the intervention (Hoover, Baca, Wexler-Love, & Saenz, 2008). Under this model, it is expected that schools will have 80-85% of its student population responding to the general or universal curriculum (tier one), 15-20% responding to additional supports and services (tier two), and 5% requiring intensive interventions (tier three). Given its multi-tiered nature, the RTI process builds in consistent progress monitoring evaluation procedures on students’ responsiveness to instruction, thus eliminating the need to rely on
IQ tests to identify students as SLD (Hale, Berninger, Bracken, Christo, Clark, Cohen, et al., 2010).

Because IQ tests play vitally different roles across the different models of assessment for SLD, the use of one model over another may have drastic influences over assessment and SPED eligibility determination in California. As a result, schools that endorse IQ tests in determining the presence of a learning disability (e.g., Discrepancy or PSW, as opposed to RTI) may have difficulties in making these determinations when the use of these standardized norm-referenced tools are redacted.

Statement of the Problem

The category of SLD calls for the analysis of “basic psychological processes.” While such analysis in the traditional school psychology practice has relied on standardized, norm-referenced IQ tests, SLD assessment procedures have become muddled due to the legal constraints set forth by the conclusions of the Larry P. trial. Thus, school psychologists are now expected to turn to alternative, non-standardized and non-norm referenced assessment methods for identifying SLD in African American students.

Despite the fact that this judicial provision has governed school psychology practice for almost forty years, there continues to be a gap in the literature on this topic. One of the factors in need of exploration is the process utilized in the assessment for a learning disability when the use of IQ tests is prohibited. Although there is consensus regarding what practitioners should not do in the assessment of African American
students for SLD (utilize standardized, norm-referenced IQ tests), there has been little guidance on what school psychologists can and should do instead. This lack of understanding around alternatives may explain the findings from one study that found many practitioners in California are dissatisfied with making decisions for special education without the use of IQ tests (Dizon, 2013).

Furthermore, other factors may also be at play in influencing practitioners’ SPED determinations for cases impacted by the Larry P. ruling. Namely, this includes the recent reauthorization of IDEA (2004) that gave schools the choice to shift away from the traditional ability-achievement model and to operate under other empirically validated models, such as PSW and RTI. This move towards evidence-based models, and particularly towards prevention-based approaches such as RTI, has been known as a major paradigm shift in the field of SPED. This shift in practice may in turn influence practitioners’ assessment processes and SPED eligibility decisions. For instance, given that practitioners working under RTI have limited need for IQ tests, these practitioners may be more well versed in the assessment and determination of students impacted by the Larry P. case. Furthermore, the RTI model in itself embodies the very services that were sought after with the Larry P. conclusion, namely students being monitored and tracked on their learning skills. If SPED services are warranted, there is a compilation of systematic, objective data to ensure that minority students are appropriately placed into SPED.

Ultimately, this research will help to determine if the judicial decision has had the intended effect of reducing disproportionality of African American students placed in SPED. The ultimate purpose of the ruling was to encourage the appropriate placement of
students in SPED by having objective, nonbiased evidence of a student who was struggling in the general education setting. Thus, by probing the eligibility determination practices of school psychologists when given cases that contain rich data of a student’s response to instruction, but lack the information from IQ tests, this study may bridge the gap between practice and legislature in hopes of understanding the alignment or lack of alignment between the two.

Purpose of the Study

The purpose of this study is to answer the four questions:

1. What are the differences in the information that practitioners gather for cases impacted and not impacted by the Larry P. mandate?

2. Are school psychology practitioners consistent in their interpretation of a case where IQ scores are excluded?

3. What extra information did school psychologists request to help them determine whether criteria for SLD were met?

4. What is the relationship between a school psychologists’ assessment model (Response to Intervention; Discrepancy models) and the special education eligibility determination for a case impacted by the Larry P. ruling?

Definition of Terms

Specific Learning Disability (SLD)
SLD is defined as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations” (P.L. 108-466, Sec. 602[30]). SLD may be used to categorize individuals who have difficulties with academic achievement despite no recognizable signs of mental or sensory handicaps, nor impoverished home conditions that could explain their learning problems (Aaron, 1997).
Intelligence Quotient (IQ)

IQ is a score that purports to represent an individual’s intelligence. IQ scores are derived from standardized and norm-referenced tests/assessments/batteries of intelligence/cognition/cognitive processes. IQ scores fall on a normal distribution whereby 68% of the human population is expected to have an IQ score that falls within the average range of standard scores. IQ may be used interchangeably with “ability” and “cognition.” IQ scores have been traditionally used in the processes of special educational eligibility determination in public schools (Deary, Strand, Smith & Fernandes, 2007; Nisbett, Aronson, Blair, Flynn, Halpern, & Turkheimer, 2012).

Special Education (SPED)

SPED is the practice of providing individualized academic instruction to addresses learners’ individual learning differences and needs. This practice may involve modifications to a curriculum. The policies and procedures of this practice in public schools is protected under several federal laws including Americans with Disabilities Act (ADA) and the current Individuals with Disabilities Education Improvement Act (IDEIA) (Hardman, Drew, & Egan, 2014).

Discrepancy Model

The Discrepancy Model is founded on the belief that “individual differences (abilities, psychological or hypothetical cognitive processes, and personality) are correlated with actual educational achievement and behavior” (Ysseldyke & Reschly, 2014, p. 72). Within the Special Education realm, the Discrepancy Model identifies learners as having a learning disability by determining whether a significant discrepancy
(two standard deviation difference) exists between a student’s intellectual ability and academic achievement.

Processing Strengths and Weaknesses (PSW)

PSW is a theoretical model based on the Cattell-Horn and Carrol theory of human intelligence. The premise of the PSW approach constitutes that individuals have varying patterns of psychological processing strengths and weaknesses. Furthermore, the PSW research base has linked these various psychological processes to areas of academic achievement. The PSW model is an extension of the Discrepancy Model because there’s an assumption that “individual differences (abilities, psychological or hypothetical cognitive processes, and personality) are correlated with actual educational achievement and behavior” (Ysseldyke & Reschly, 2014, p. 72). Since the passing of IDEA (2004), the PSW model has been recognized as one of the federally accepted assessment approaches for SLD identification.

Response to Intervention (RTI)

RTI is a process that is aimed at informing, fostering, and documenting the necessity for and effectiveness of special treatment/intervention (Fuchs & Fuchs, 1998, p. 204-205). The foundation of RTI presumes preventative measures to address learning concerns for students. These preventative measures are delivered through a multi-tiered approach: the first tier comprises preventative measures whereby 80% of the student population is expected to respond to and benefit from instruction; the second tier includes services/interventions for 15% of the student population who are expected to be at-risk for developing academic difficulties; the highest tier includes intensive interventions for five percent of the student population who have not responded to the interventions in the
previous tiers. Since the passing of IDEA (2004), the RTI model has been recognized as one of the federally accepted assessment approaches for SLD identification (Hardman, Drew & Egan, 2014).

**Individuals with Disabilities Education Act (IDEA)**

In 1975 Congress passed a national law titled the Education for All Handicapped Children Act (Public Law 94-142). This law made available a free and appropriate public education to school-age students with disabilities between the ages of six and 21. The law included “provision for an individualized education program, procedural safeguards to protect the rights of students and their parents, nondiscriminatory and multidisciplinary assessment, and education with nondisabled peers to the maximum extent appropriate” (Hardman et al., 2014, p. 29). This law has been revised multiple times. The 1990 revision led to the renaming of the law to Individuals with Disabilities Education Act (IDEA), the name this law is most commonly referred to. The latest 2004 revision altered the name to Individuals with Disabilities Education Improvement Act (IDEIA, hereafter referred to as “IDEA 2004”) and included updates on federally recognized assessment models.
CHAPTER II

LITERATURE REVIEW

Although learning disabilities have likely always been a part of the human experience, it was not until the 20th century when this area of disability became recognized and studied. By puzzling over the students who, unlike other academically low-achieving students, continued to struggle in school despite having an average-to-above-average intelligence, educators came to describe such children as having a specific learning disability (SLD). It is believed that SLD is not due to a general lack of ability, or intelligence, but rather due to a peculiar anomaly in the information processing system of the brain (Kavale, Spaulding, & Beam, 2009). As a result, SLD is seen as an exceptionality within the individual, a disability that is not the result of extraneous factors such as impoverished living conditions (Kavale, Spaulding, & Beam, 2009).

Often called the invisible disability, students with SLD may appear to function like any other average same-age peer, except for their struggle within one or more specific areas of skill development such as reading, mathematics, and/or writing (Kavale & Flanagan, 2007). These difficulties may also manifest themselves into struggles with expressive and receptive oral language, problem solving, physical skills, self-management, and social skills development (Block, 2003; Nielsen, 2002; Tur-Kaspa, 2002; Westwood, 2004). Given the variable nature and needs of such students, the SLD construct has become recognized as a generic label representing a highly heterogeneous group of learners whose conditions range from mild to severe in intensity (Bender, 2008; Buttner & Hasselhorn, 2011). To this day, the SLD definition is surrounded by confusion,
controversy, and division. The purpose of this chapter is to further explore the construct of SLD, how SLD relates to SPED evaluation, and the relationship this disability category has with minority students.

Specific Learning Disability

A Brief History of Specific Learning Disability

Categorizing students under SLD is meant to differentiate these students clearly from the much larger population of students whose learning difficulties are more general and potentially due to a wide variety of extraneous factors such as other disabilities, emotional disturbance, or environmental, cultural, and/or economic disadvantages (Kavale, Spaulding, Beam, 2009). Students with SLD are believed to be qualitatively and etiologically different from students who are generally described as ‘low achievers’, ‘slow learners’, or simply ‘academically weak’ (Westwood, 2004). Nevertheless, concerns regarding the appropriate categorization of SLD have persisted ever since the definition was first proposed in 1968 by the National Advisory Committee on Handicapped Children (NACHC, 1968). Under NACHC, SLD is defined as:

…a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor
disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (p. 34)

The NACHC definition became federally recognized in 1975 as it was adopted into Public Law 94-142, otherwise known as the Education for All Handicapped Children Act. This legislation, having been reauthorized and renamed in 2004 as the Individuals with Disabilities Education Improvement Act (hereafter referred to as “IDEA 2004”), continues to be the primary source of guidelines for the identification of SLD and the services that these students may become entitled to under special education (SPED).

The introduction of this legislation legally recognized 13 disabilities and outlined the criteria for their identification: SLD, intellectual disability, autism, emotional disturbance, other health impaired, traumatic brain injury, deaf-blindness, deafness, hearing impaired, multiple disabilities, orthopedic impairment, speech or language impairment, and visual impairment (Public Law 108-466, Sec. 602[30]). Students who are found to have any one of these disabilities are also guaranteed six major rights under this legislation. These rights include:

1. a free an appropriate public education (FAPE),
2. access to an individualized education program (IEP),
3. instruction in the least restrictive environment (LRE) to ensure that students with disabilities are educated with students without disabilities to the maximum extent appropriate,
4. procedural safeguards to protect the students’ educational rights,
(5) the nondiscriminatory assessment of the suspected disability to qualify for such services, and lastly,

(6) parental participation throughout the decision-making process of a child’s education. (*Public Law 108-466, Sec. 602[30]).

Controversies Around the SLD Definitions and the Resulting Consequences

Unfortunately, the federal definition of SLD remains overall ambiguous and lacks tangible guidelines for its identification. Many controversies stem from the various components of the definition. First and foremost, the “specific” adjective associated with SLD remains undefined (*Kavale, Spaulding, and Beam, 2009). The SLD category is heterogeneous with many types of learning disabilities resulting in difficulties in reading, writing, spelling, speaking, or doing math. Without an operationalization of this term, *Kavale, Spaulding, and Beam (2009, p. 40)* argue that the definition of SLD merely provides “an obscure expression about general learning problems” (p. 40). Furthermore, although SLD is described as being analogous to conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, there is no explanation as to why this may be the case or what those conditions represent in and of themselves. The operational definition may appear to be valid despite the fact that it continues to be devoid of significance and meaning (*Kavale, 2009; Bergmann, 1961*).

The statement on what disabilities and factors are exclusive of SLD (e.g., learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or
economic disadvantage) is problematic. For instance, Taylor, Satz, and Friel (1979) identified poor readers who either met or did not meet the exclusionary SLD criteria. Through the use of various cognitive and academic measures, the researchers were unable to find differences between children who had expected reading failure (e.g., met the exclusionary criteria) and those who had unexpected reading failure (e.g., did not meet the exclusionary criteria). Thus, there is a strong possibility that “reading failure associated with low intelligence, sociocultural inopportunity, emotional disturbance, or physical handicap may be no different than reading failure in the absence of these factors” (Taylor et al., 1979, p. 99).

The ambiguous definition has played an inevitable role in the number of children identified as having this disability. Since the passage of the original legislation in 1975, the number of children identified as having any one of the 13 learning disabilities in the United States has doubled (Flanagan & Alfonso, 2011). However, 43% of students eligible for SPED are categorized under SLD, which is equivalent to 2.6 million school-aged children (United States Department of Education [USDOE], Office of Special Education Programs, Data Analysis System [DANS], 2008). This high prevalence rate of SLD in comparison to the other disability categories has been a consistent trend since 1980 (USDOE, 2006).

This trend poses a concern given that the SLD condition was originally conceptualized as a disability affecting no more than 3% of the school-age population (Kavale, 2009). The difference in the statistics suggest that SLD has become a catch-all classification for a wide variety of learning problems, including children who may or may not actually have SLD. Part of the reason for the trend in over-identifying students with
SLD is due to the failure to incorporate theoretical advances into the definition (Senf, 1997, p. 538). Although the research base on this SLD continues to grow, the federal SLD definition has remained stagnant since 1975 which has added to the confusion. The lack of specificity around SLD identification has in turn threatened the integrity of the disability category (Senf, 1997).
Assessment for Specific Learning Disability

There are three main assessment models to address appropriate SLD identification: the ability-achievement discrepancy, the processing strengths and weaknesses (PSW) model, and response to intervention (RTI).

Ability-Achievement Discrepancy

From 1977 to 2004, the primary means of operationalizing SLD was through the ability-achievement discrepancy criterion. First introduced by Bateman (1965), the discrepancy criterion has been the primary definition of SLD since it was introduced into the federal law in 1977 (US Office of Education, 1977). Thus prior to the 2004 reauthorization of IDEA, the legislation mandated that:

…any criterion for classifying a child as having learning disabilities must be based on a preexisting severe discrepancy between intellectual capacity and achievements. A child’s learning disability must be determined on an individual basis, and there must be a severe discrepancy between achievement and intellectual ability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning (Hardman et al., 2014, p. 156)

This severe discrepancy approach to SLD identification holds that there is a single marker for identifying SLD: underachievement in one or more of the seven academic areas that is lower than would be expected based on an average or above-average intelligence quotient (IQ) score. Efforts to quantify the IQ-achievement difference led to the development of a discrepancy formula. This formula identifies SLD by establishing that a student’s standardized achievement score is significantly lower than his/her standardized IQ score (Zirkel, 2013).
There are several conceptual and practical problems with the discrepancy formula. This model of classification has shown to lack empirical support as research has shown that intelligence tests are not the best predictors of achievement (Zirkel, 2013). For instance, one study found that the correlation between IQ and reading achievement to be typically around .50, indicating that IQ scores are able to account for merely 25% of the variance in reading performance of elementary-aged children (Stanovich, Cunningham, & Feeman, 1984). Thus, the use of a single IQ score as a predictor of a student’s reading achievement score seems to be an inadequate means of determining SLD.

Secondly, research has yet to show that a link exists between intelligence tests’ results and instructional intervention (Brown-Chidsey & Steege, 2005; Fletcher & Vaughn, 2009; Vaughn & Fuchs, 2003). This is particularly concerning because nearly 80% of the students identified with SLD have a difficulty with reading (Aaron, 1997; Kirk & Elkins, 1975; Lerner, 1993; Lyon, 1985; Ysseldyke & Algozzine, 1995). It would be in the best interests of the students if assessments that were used to identify a learning disability also yielded information could be used to guide intervention.

Furthermore, since most children do not begin to display a gap between their achievement and their IQ scores until about third grade, the discrepancy model has been deemed as a “wait to fail” approach before specialized academic supports are considered (Zirkel, 2013). Overall, it is widely recognized that even “the presence of IQ-discrepancy, an achievement difficulty, and absence of the exclusions does not mean that [a] student has a neurobiological disorder” (Fletcher, Coulter, Reschly, & Vaughn, 2004, p. 310). Despite these inadequacies, the use of this model continues to be the primary means of
SLD identification, further perpetrating the over-identification of students with SLD (Kavale & Flanagan, 2007).

In recognizing the controversy around the discrepancy model as being the only federally recognized method for SPED eligibility, the 2004 IDEA legislation determined that the ability-achievement discrepancy model is no longer required. As such, schools now also have the option of using PSW or RTI, the two models that are arguably more empirically and theoretically validated (Hale et al., 2010).

**Patterns of Strengths and Weaknesses (PSW) Model**

In recent years, the PSW model was proposed as a means of more accurate and reliable SLD identification (Hale et al., 2010). This model poses that because the core characteristic of SLD is a disorder in one or more of the psychological processes related to academic achievement, then it makes empirical, clinical, and legal sense to evaluate a student’s IQ score in terms of cognitive strengths and weaknesses, rather than as one conglomerate IQ score (Hale et al., 2010). Given the findings that certain psychological processes are more strongly correlated with certain academic skills (e.g., phonological processing is highly correlated with the skill of basic reading), then the assessment of these basic psychological processes is essential for the appropriate identification of SLD (Hale et. al., 2010).

The use of PSW in the identification of SLD has been conceptualized as aligning more closely with current research (Hale et al., 2010). For instance, a recent meta-analysis has shown that there are “moderately large to large effect sizes in cognitive
processing differences between children with SLD and typical children” (Hale et al., 2010, p. 229). Furthermore, the PSW model contends that the understanding of these processing strengths and weaknesses can lead to “more effective individualized interventions for children who do not respond adequately to intensive interventions…” (Hale et al., 2010, p. 229). Although the PSW seems to a promising alternative to SLD assessment, concerns continue to hold in regard to the model’s reliability and validity (McGill & Busse, 2016).

Response to Intervention (RTI)

Unlike the discrepancy models (including both the ability-achievement discrepancy and PSW models), RTI does not discriminate between students with SLD and students who are low achieving nor students who do not seem to possess disorder(s) in one or more of the basic psychological processes (Hale et al., 2010). RTI is a model for addressing the individual learning and behavior needs of all students within a school by providing support to students as their learning difficulties arise.

Within this model, academic instruction is based on research-based practices that have been trialed and tested in the field to be deemed evidence-based (Proctor, Graves, & Esch, 2012). Not only is the instruction in RTI evidence-based, but it should also be tailored to the specific cultural demographics of the student population. Emerging research on the cultural nature of learning suggest that there is a higher need to account for students’ identities and experiences (historical, chronological, cultural, political, socio-economic, and other environmental factors) in the learning process (Artiles, Bal, &
Thorius, 2010). Attention to intersectionality becomes especially critical for students of color and students with disabilities (Artiles et al., 2010).

RTI aims to address the longstanding injustices within the school systems by advocating for the equity of educational opportunities for all students. By providing culturally-relevant and evidence-based instruction in which students’ progress is systematically monitored which is presentative a social justice approach. Such an approach addresses the schools’ accountability to ensure that students have the opportunity to access the curriculum in a meaningful way that meets their personal and cultural values, backgrounds, and experiences (Proctor, Graves, & Esch, 2012).

In addition to the core components of evidence-based and culturally appropriate instruction, RTI envisions a multi-tiered approach to academic services that transcend the general education and special education dichotomy. Three systematic tiers of academic supports are associated with this model, with each tier offering supports at varying degrees of intensity (Proctor, Graves, & Esch, 2012).

The foundational tier begins with primary prevention, or general classroom instruction for all students. The function of this tier is to provide evidence-based instruction where at least 80% of the students in the school get their learning needs met. Part of the universal practice also includes the use of school-wide academic screenings to ensure that students are responsive to the general classroom instruction. Additionally, this screening will also allow staff to determine which students have shown to be unresponsive and at-risk for academic challenges.

In addition to the general classroom instruction provided in tier-one, about 15-20% of the overall student population will also receive tier-two services. (Johnson,
Mellard, Fuchs, & McKnight, 2006). Tier-two services are more specific to students’ areas of need and the increase in the intensity of supports are synonymous with a decrease in the teacher to student ratio/an increase in the frequency of small group instruction and an increase in the frequency of progress monitoring data being collected (Johnson et al., 2006).

Lastly, it is expected that five percent of the student population will require tier three services. The tertiary level of RTI comprises even more intensive and individualized supports than tier two. Weekly or daily progress monitoring ensure students’ continued academic growth (Proctor et al., 2012).

RTI is a fluid system of services provided based on students’ responsiveness to evidence-based and culturally relevant instruction. Thus, problem solving around the delivery of instruction/supports takes precedence over the need to determine the presence of a learning disability inherent to a student. As a result, RTI determines SPED eligibility for SLD based on a student’s lack of response to appropriate and culturally relevant instructions.

Various researchers have urged for the use of RTI especially in light of the increasingly diverse population of students. It has been postulated that RTI may provide a means to fluently rule out exclusionary factors, decrease the number of inappropriate referrals to SPED, address the mislabeling of learning disables, and eliminate the long-standing issue of minority students being overrepresented in SPED classes. For instance, one study has shown that the use of the RTI problem-solving process reduced African American overrepresentation in SPED from 67% to 55% over a four-year period in the Minneapolis Public Schools (Marston, Muyskens, Lau, & Canter, 2003). Several other
states have also used RTI as a means of effectively addressing overrepresentation of minority students in SPED classes (White, Polly, & Audette, 2012).

Disproportionality in Special Education

*Brown v. Board of Education* of Topeka was a landmark 1954 Supreme Court case that ruled that racial segregation of children in public schools was unconstitutional. Despite the nearly 65th anniversary of this case, and the 44th anniversary of IDEA, the outcomes of these important legacies have yet to reach their intended purpose (Ferri & Connor, 2005, p. 3). Although minority children are not segregated in the same sense as before the *Brown* ruling, SPED has become the new battle ground for racial segregation in education. The increased risk of being placed into separate and unequal educational environments goes against the *IDEA 2004* mandate that requires students with disabilities to be served in the least restrictive environment.

“Disproportionality exists when students’ representation in special education programs or special education categories exceeds their proportional enrollment in a school’s general population” (Blanchett, 2006, p.24). Since the 1960’s, countless of national (Chinn & Hughes, 1987; Finn, 1982; Harry & Anderson, 1994; Oswald, Coutinho, & Best, 2002; Oswald, Coutinho, Best, & Singh, 1999; Parrish, 2002; Zhang & Katsiyannis, 2002) and state-wide (Coulter, 1996; Ladner & Hammons, 2001; Skiba, Wu, Kohler, Chung, & Simmons, 2001) reports have indicated disproportionate identification of minority students as being eligible for SPED. Various factors are thought to contribute
to the institutionalization of these persistent disproportionality trends in special education. Nevertheless, the relationship between factors that influence SPED eligibility are complex and often counterintuitive (Skiba et al., 2005). The consequences of this issue have shown significant effects on the life trajectories of minority students and the resolution of this issue continues to be a work in progress.

Representation of Minority Students in Special Education

Contemporary schools are as segregated as ever and students of racial and ethnic minority now face increasing rather than diminishing school segregation (Ferri & Connor, 2005). Disproportionality has been most consistently reported for African American and Native American students and has been identified less consistently for Latinx students (Skiba et. al., 2005). Specifically, despite the fact that African American students account for 14% of the general population of 6-to-21-year-old students, they make up 18.5% of the special education population across all disabilities (United States Department of Education, 2018). African American students are 1.4 times more likely to be served under IDEA than were students in all other racial/ethnic groups combined (United States Department of Education, 2018). In California, specifically, African American students account for 5.2% of the general population of 6-to-21-year-old students and make up 8% of the special education population across all disabilities (California Department of Education, 2018).

Since 1968, African American students have been and continue to be overrepresented in three special education disability categories: SLD, emotional disturbance (ED), and intellectual disability (ID; Bollmer, Bethel, Garrison-Mognen, &
Compared to other races/ethnicities, African American students in special education “are likely to have more restrictive placements (e.g., self-contained classrooms and separate schools) and spend more time away from the general education population” (Proctor et al., 2012, p. 269). African American students are 2.2 times more likely to be identified as having ID, 2.0 times more likely to be found to have ED, and 1.5 times more likely to be labeled as SLD (United States Department of Education, 2018). These statistics have been largely consistent across the years (Blanchett, 2006).

Causes of Overrepresentation

Disproportionality in SPED is a complex issue with numerous factors contributing to its standing. First and foremost, schools are institutions that “exist to transmit a body of prescribed knowledge, skills, values, and norms that are essential for society” (Patton, 1998, p. 27). The structure and function of schooling, including special education, inevitably reflect the values, needs and attitudes of the dominant social, economic, and political groups of this nation which is white and middle-class (Brown, Reynolds, & Whitaker, 1999). “Any time a student is placed in a situation where the other students and faculty are of different cultural groups, there is going to be a problem” (Ladner & Hammons, 2001, p. 107).

Another factor related to the biased SPED referral and identification process is the assertion that the traditional curriculum does not align with the experiences and lives
of minority students (Giddings, 2001; Asante, 1991). Minority students may in turn begin to “self-select themselves out of the school, and essentially refuse to participate” (Ladner & Hammons, 2001, p. 107). When a population’s different learning needs are not met, these students may begin to perform poorly in in the mainstream setting, resulting in the likelihood of meeting the legal requirements for SPED enrollment (Coutinho et al., 2002; Ladner & Hammons, 2001). For instance, rates of suspension and expulsion of “bad behavior” consistently predict district rates of SPED disproportionality (Skiba et al., 2005) and the suspension rate for Black males is 3.6 times greater than that of all other California students (Wood, Harris, & Howard, 2018).

Along similar lines, disability categories are socially constructed definitions which “often result in culturally and linguistically based behaviors being misinterpreted by predominately White, middle class professionals as signs of the existence of disability” (Salend, Garrick, Duhaney, & Montgomery 2002, p. 290). Given the potential for cultural misunderstanding between teachers and students, students of color have shown to be more likely to be the subject of suspension and expulsion (Skiba et al., 2005). Thus, the continuing issue of overrepresentation of minority students in SPED in American schools suggests an institutional imbalance of power and privilege (Shealey, Lue, Brooks, & McCray, 2005).

Once labeled as having disabilities and placed in SPED, African American students make achievement gains and exit the program at rates considerably lower than those of White students identified as having disabilities (Blanchett, 2006; Fierros & Conroy, 2002). Furthermore, being placed in SPED often results in “high drop-out rates, limited preparation for college admissions and employment, as well as increased chances
of incarceration” (Proctor et al., 2012, p. 271). This school-to-prison-pipeline trend for African American students shows that the prospect for students from different races to experience equal opportunities of integration and learning has not occurred at a desirable rate (Blanchett, 2010; McKinney, Bartholomew, & Gary, 2010; Pitre, 2009; Sullivan & Articles, 2011; Wald & Losen, 2003).

Inevitably, research has shown that race, economic status, and disproportionality have an established relationship (Blanchett, 2006). Nearly 15% of White, 30% of African American, and 29.2% of Latino children lived in homes below the poverty line (U.S. Bureau of the Census, 2011). Many students of color come from economically disadvantaged backgrounds and inevitably attend schools that are disadvantaged by a situation of concentrated poverty. However, Skiba et al. (2005) showed that poverty does not fully explain ethnic disproportionality in SPED as poverty makes a weak contribution to school completion and to the prediction of disproportionality across a number of disability categories (Skiba et al., 2005; Ladner & Hammons, 2001). Similarly, academic deficits do not necessarily predict special education referral (Skiba et al., 2005). Furthermore, the correlations between poverty and emotional/behavioral outcomes are inconsistent at best (Brooks-Gunn & Duncan, 1997; Skiba et al., 2005) while rates of suspension and expulsion consistently predict district rates of special education disproportionality (Skiba et al., 2005). Overall, while it appears that poverty is not the central factor in the issue of overrepresentation, there is evidence that race is a key a predictor of SPED enrollment. This suggests that the process of SPED referral and identification remains to some degree discriminatory (Ladner & Hammons, 2001; Losen & Orfield, 2002; Reid, 2015).
Finally, the process of becoming eligible for SPED has also received scrutiny in the debate of minority overrepresentation (Patton, 1998). Scholars have noted that cultural and racial biases impact the identification and eligibility processes for SPED categories such as SLD, ED, and ID (Baglieri & Moses, 2010; Losen & Orfield, 2002; Proctor et al., 2012). For instance, standardized assessments, particularly IQ tests, have been argued to be inappropriate for culturally diverse populations, especially African American students (*Larry P. v. Riles, 1979*). While differences in IQ scores between ethnic groups are well established, the reasons for these differences are complex and have a long history of controversy (Brown et al., 1999). The issues around cultural biases in IQ tests, which will be discussed in further detail in the following sections of this chapter, were fundamental to the landmark *Larry P. v. Riles (1979)* case.

**Intelligence Quotient Testing and African American Students**

Nondiscriminatory assessment is legally required to safeguard the rights of those who are being evaluated for SPED services. It must be multidisciplinary and utilize a wide range of assessment tools in order to compile enough relevant information to make a well-informed decision regarding the functioning of a given student (Artiles, Bal, & Thorius, 2010). A comprehensive best practice assessment model was introduced, RIOT, which stood for **Record reviews, Interviews, Observations, and Testing** (RIOT; Batsche, Castillo, Dixon, & Forde, 2008). Although IDEA 2004 requires that no one assessment, test, or procedure be used as the sole determining factor in the placement of any student in special education (Ortiz, 2008), there is an overreliance on standardized
test scores, namely, those from intelligence tests when determining eligibility (Dizon, 2012).

**Intelligence: Definition and History**

“The term *intelligence* comes from the Latin word *intelligre*, which means *to understand*” (Dizon, 2013). Various definitions of intelligence exist; however, one of the oldest and most cited definition comes from David Wechsler (1944):

Intelligence is the aggregate or global capacity of the individual to act purposefully, to think rationally and to deal effectively with his environment. It is global because it characterizes the individual’s behavior as a whole; it is an aggregate because it is composed of elements or abilities which, though not entirely independent, are qualitatively differentiable. By measurement of these abilities, we ultimately evaluate intelligence.

The search to understand the phenomenon of human intelligence has been a major pursuit of psychologists for over a century. The study of intelligence stimulated the need for objective and systematic techniques to measure intelligence. The need for such measures led to the emergence of IQ testing in the early 20th century (Flanagan & Harrison, 2012). The development of IQ testing has been one of psychology’s greatest and most controversial achievements. Reasons for its development include investigating the role of heredity in intelligence, understanding the range of intellectual functioning within the population, to determining the levels of individual differences in behavior (Flanagan & Harrison, 2012). These early approaches of quantifying individuals’ abilities for sensation, attention, perception, association, and memory led to the application of such tests to solve practical problems.
Initially, these practical problems included screening of the mental functioning of military recruits in World War I and World War II (Flanagan & Harrison, 2012). The success of IQ testing in the military led to the widespread application of such tests in schools, colleges, and the industry. In fact, the success of IQ testing was the stepping stone to the recognition of the school psychology profession which has traditionally concerned itself with determining learning disabilities in school-age children. Today, IQ tests continue to be used as a means to compare an individual’s mental ability to the mental ability of other same-age individuals. This comparison is meaningful because intelligence, like other phenomenon, displays a normal distribution. Under this normal distribution, the majority of the world’s population will score average on the intelligence trait (68% of the population), with a select few scoring below average (16% of the population) and above average (16% of the population) on this trait.

These group differences may in turn be predictive of performance across other domains. Research suggests that intelligence may be predictive of occupational (Spearman, 1904) and educational outcomes (Schmidt & Hunter, 1998). There is broad agreement that a moderate to strong correlation between cognitive ability and educational achievement exists (Deary et al., 2007). As a result, IQ testing within the school context may allow one to gauge whether a given student is cognitively ahead of behind other same-age peers and provide concurring recommendations.

Are IQ Tests Unfair?
Despite the aforementioned utility of IQ tests, the use of IQ tests has received much criticism. Various arguments have been proposed to challenge the administration of IQ tests and the use of IQ scores in educational decisions, but they center around a main question: are IQ tests unfair?

The definition of intelligence itself has been a major source of debate. Although all cultures acknowledge individual differences in the way that people display intelligent behavior, it becomes a subjective matter for one to determine whether one form of intelligent behavior is more valid than another (Flanagan & Harrison, 2012). To this day, no existing instrument is capable of adequately measuring cognitive ability and addressing all possible factors that play a role in the construct of intelligence (Flanagan & Harrison, 2012). Thus, the narrow scope of any one IQ test fails to represent the entirety of the concept as well as other factors such as motivation, creativity, and character which are also important in determining educational outcomes (Benson, 2003). Similarly, results from IQ tests are merely a single and static representation of an individual’s performance under specific demands (e.g., the examinee’s mood prior to and during the IQ assessment, the relationship between the examinee and examiner, the time of day when the testing took place, etc.).

On a larger scale, “charges of sociocultural, economic, and racial/ethnic minority biases are repeatedly made against the tests… and…arguments are proposed that the test scores perpetuate social and economic injustices” (Weinberg, 1989, p. 100). Racial/ethnic differences in average performance on standardized IQ tests are an established phenomenon (Herrnstein & Murray, 1994; Gordon & Bhattacharya, 1994). African Americans have shown to score about one standard deviation lower than Whites.
on IQ tests, although this discrepancy has shown to be shrinking (Reynolds, Chastain, Kaufman, & McLean, 1987; Nisbett, 2009). The cause of these differences has been the topic of fierce debate. One popular opinion is that the presence of racial/ethnic differences in IQ scores is due to cultural bias in the tests. It has been argued that the construction, design, administration and interpretation of standardized norm-referenced tests are reflective of the White middle-class majority culture (Brown et al., 1999). As a result, lower IQ scores for ethnically diverse populations do not reflect true differences in ability, but rather the scores reflect inappropriate culturally-loaded content within tests which persons of minority may not have experience with. Proponents have stated that IQ tests lack appropriate standardization samples which fail to adequately represent persons from racial/ethnic minorities. Finally, those who speak a language other than English may be unfairly penalized (Brown et al., 1999). These arguments have been widely cited as a main factor to the overrepresentation of minority students in SPED (Powers et al., 2004).

Various legal cases have drawn attention to the ways in which the SPED assessment process reflects stereotyped beliefs about White intellectual superiority. Diana v. State Board of Education (1970) and Larry P. v. Riles (1979) are two examples of how standardized testing procedures used to identify students as eligible for SPED are inherently biased. The Diana v. State Board of Education (1970) class action lawsuit was filed on behalf of nine Spanish-speaking children who were labeled as educable mentally retarded (EMR, now called intellectual disability) given their performance on an English-administered IQ test. However, when the children were re-tested by a Spanish-speaking examiner, only one of the nine children were found eligible under the EMR category. In a similar lawsuit, Larry P. v. Riles (1979), the overrepresentation of minority children,
particularly African American children, in EMR classes was determined to be due to the use of unfair and culturally biased IQ assessment measures and assessment practices. Both cases illuminated the role of school personnel, tests, and testing practices in erroneously labeling students of racial and linguistic minorities with a disability and placing them in restrictive special education classes” (Ferri & Connor, 2005, p.94).

Beginning in the 1970s a large body of empirical findings began emerging regarding the complex issues involved in the use of standardized IQ tests with American born, English-speaking subgroups (Brown et al., 1999). In 1989, a panel of experts from the National Academy of Sciences and the National Research Council reviewed test bias literature and concluded that while there may be IQ test bias against English language learners or students who have recently immigrated to the U.S., standardized IQ tests are not biased against native-born, English-speaking ethnic/racial subgroups, including African Americans (Brown et al., 1999; Cole, 1981; Jensen, 1980; Kush, Watkins, Ward, Ward, Canivez, & Worrell, 2001; Rowe, 1994). Similarly, others have shown that “many psychosocial influences operate in different ethnic and racial populations in quantitatively the same way.” (Rowe, 1994, p. 215). Despite this body of knowledge, misperceptions around IQ bias against minority groups has shown to persist and effect practices in SPED eligibility.

Larry P. v. Riles (1979)

Brief History of the Case
Despite findings regarding IQ tests not being biased against African American students born and raised in the United States, misperceptions around IQ test bias have shown to persist and affect practices around SPED eligibility. In 1979, an educator by the name of Larry P. filed a law suit on behalf of six African American students from the San Francisco Unified School District (SFUSD) in the state of California. The plaintiff argued that the six students were wrongfully labeled as EMR and placed into SPED classes. The misplacement of these students allegedly stigmatized the students, kept the students from receiving adequate education, and kept the students from developing the skills necessary to succeed in society. Judge Peckham agreed and characterized the EMR classes that the six students attended as “inferior” and “dead-end.” The prosecutors further demonstrated that this overrepresentation of African American students in SPED classes was a pervasive trend across the entire country. The plaintiffs showed that African American children represented only 10 percent of the general student population in California at the time but encompassed 25 percent of the population enrolled in EMR classes.

The plaintiff’s argument for this disproportionality asserted that the process for identifying students in need for SPED classes was biased and discriminatory. Specifically, the prosecutors challenged the use of norm-referenced, standardized, and individually administered IQ tests in the process of identifying mild intellectual disabilities within the African American student population. Given the compelling trend of African American students consistently scoring one-standard deviation below Whites on IQ measures, the school district was unable to convince the court that IQ tests were valid tools for the purposes identifying learning disabilities. Judge Peckham concluded
that the intelligence of African Americans could not yet be accurately quantified through IQ tests and ruled in favor of the plaintiffs.

A number of attempts were made to challenge the *Larry P.* v. *Riles* ruling. In 1988, a group of parents filed a suit claiming that the ban on IQ tests for African American students was discriminatory and denied those students the opportunity to be comprehensively evaluated for special education needs. Judge Peckham issued an order allowing African American children to be given an IQ test with parent permission (*Crawford v. Honig*, 1994). However, the California State Department of Education continued to prohibit the use of IQ tests with African American children. In 1994, the California Association of School Psychologists made an attempt at challenging the ban on IQ tests but the outcomes were not in their favor (*California Association of School Psychologists v. Superintendent of Public Instruction*, 1994). As a result, the *Larry P.* ruling continues to hold in the state of California whereby no IQ tests are to be given for African American students involved in the SPED evaluation process.

Interestingly, a similar lawsuit was filed on behalf of African American children enrolled in the Chicago public schools in 1980. The *Parents in Action in Special Education (P.A.S.E.) v. Hannon* (1980) case included similar “facts, issues, claims, and witnesses” to those in *Larry P.* (Bersoff, 1982, p. 81). Judge Grady investigated the issue around racial and cultural biases within IQ tests by examining the questions across three major IQ tests himself. Judge Grady determined that a total of eight questions across all three tests were inappropriate for students from different cultural backgrounds. Judge Grady did not find this finding to undermine the usefulness of IQ tests as a whole in identifying African American students in need of special education and concluded that IQ
tests are not biased against African American students, particularly when used responsibly with other forms of data (e.g., RIOT).

**General Impact of the Larry P. Case**

While Judge Peckham’s 1979 decision result in the elimination of IQ tests for the purposes of EMR identification for African American students, the expansion of this ruling in 1986 by the California State Department of Education led to the elimination of IQ tests for any of the SPED categories when African American students are involved. These rulings have dramatically impacted the role of school psychologists conducting SPED assessments, directly affecting the education of African American students in California.

In light of the shift in assessment practices for African American students, the *Larry P.* Task Force drafted a report in an attempt to guide practitioners in alternative assessments (1989). The *Larry P.* Task Force provided various suggestions to address the issue of overrepresentation: (a) the examiner to become familiar with the student’s background and culture; (b) the use of a consultation-intervention model; (c) establishment of a well-defined procedures and documentation of referrals; (d) examine, request, and develop representative norms for tests; (e) employ alternative means of assessment (e.g., personal history and development, adaptive behavior, classroom performance, variety of academic assessments, task analysis, learning processes and “learning potential”); (f) use of more professional judgement to determine discrepancy; and (g) collaboration among other school psychologists to establish guidelines and
assessment procedures (Dawn & Simmons, 2008). In addition, the Task Force created a list of banned IQ tests. Despite the call for a paradigm shift in the philosophies and instructions within schools, the list of banned IQ tests has become the focal point for school psychology practitioners (Powers, Hagans-Murillo, & Restori, 2004). The reasons for this may be because the list of prohibited tests is more concrete than the framework for systems change.

All in all, the *Larry P. v. Riles* decision was made with the prospect of addressing the issue of overrepresentation of African American students in special education. Despite the enforcement of alternative methods in the assessment of African American students, data show that this population continues to be overrepresented in SPED classes through the country as well as the state of California (United States Department of Education, 2018; California Department of Education, 2018).

**Research on Larry P.**

To date, two studies have investigated the implications around the *Larry P.* ruling. Within both studies, school psychology participants in California were requested to report on their knowledge and assessment practices with African American students. The general findings showed that school psychologists were dissatisfied with using an alternative model of assessment without IQ testing. Many also reported that guidelines (beyond the banned test list) were virtually nonexistent. Results also indicated that despite the ban, there is still widespread belief that IQ tests are essential in determining SPED eligibility (Dawson & Simmons, 2008; Dizon, 2013).
In 2008, Dawson and Simmons carried out a survey to determine (a) what tools and methods school psychologists use to assess African American students, (b) whether or not practitioners are satisfied with these methods, and (c) practitioners’ beliefs around the adequacy of their current assessment methods for African American students. The results indicated that 64.4% of the 404 school psychologists surveyed across Northern California continue to use one or more standardized intelligence/cognitive ability test to determine special education eligibility for African American students. The widespread use of IQ tests suggests that practitioners may not be aware of or comfortable with determining the presence of SLD without standardized measures of cognition. Results also indicated a positive relationship between the number of African American students a school psychologist served and the likelihood of using standardized intelligence tests. Lastly, it was reported that over 50% of the school psychologists indicated not being satisfied with the regulations around the assessment of African American students and that for 71% of the participants, no protocol or guidelines were given by their district for alternative assessments.

Dizon (2013) was the only other researcher to have carried out a study on Larry P. practices. With 204 California school psychology participants, 91.2% of the respondents expressed that the Larry P. legislation should be lifted. When asked to what extent practitioners believe alternative assessments would be useful for identifying cognitive based disabilities, only 6.6% of the respondents reported that this information would be very useful. Similarly, participants reported to approach traditional and alternative assessments almost identically, with tests comprising 40% of the value across the RIOT components. Dizon also found that a large percentage of the participants were
unaware of the origins of the mandate. Dizon’s findings may suggest that the Larry P. mandate, in addition to the advocacy for the use of alternative assessment methods for evaluating African American students, have failed to achieve their purpose (Dawson & Simmons, 2008; Powers, Hangs-Murillo, & Restori, 2004).

Both Larry P. studies are useful in understanding what school psychology practitioners know about SPED assessment of African American children. There is continued discontent regarding the constraints of the Larry P. mandate. There are differences in understanding on how one should proceed through the eligibility process without a crucial piece of evidence, IQ test scores.

In light of this literature base, this study sought to have school psychology practitioners “consider the ways in which African American students are serviced within the general education setting, as well as the assessment methods deemed appropriate when considering their need for special education under the SLD category” (Proctor et al., 2012, p. 271). Through the use of a case-study involving relevant assessment data for an African American gender-neutral student (excluding the IQ test), this study sought to explore the decision-making process of school psychologists. Furthermore, given the call for increasing culturally responsive services and the according need for evidence-based prevention and intervention efforts (Klinger et al., 2005; Proctor et al., 2012; Donovan & Cross, 2002; Skiba et al., 2008; Zhang, Katsiyannis, Ju, & Roberts, 2014), this study also investigated the impact of RTI use on the case-study assessment process and eligibility determination. Although some studies have shown that RTI does not impact African American disproportionality (Finch, 2012; Hartlep & Ellis, 2012), other researchers have found that RTI does decrease disproportionality (Graves & Mitchell, 2011; Gravois &
Rosenfield, 2006; Marston et al., 2003; White & Worrell, 2012). Marston et al. showed that the use of an RTI problem-solving approach decreased African American disproportionality in special education by 12%. Similarly, Harry and Klinger (2006) found that lack of access to evidence-based and culturally appropriate instruction prior to the assessment contributed to African American and Latino students being overidentified with learning disabilities. RTI seems to distinguish students who have learning disabilities from those who are low achievers due to inappropriate instruction or other extraneous variables (Ciolfi & Ryan, 2011).
CHAPTER III

METHODOLOGY

This study assessed school psychologists’ evaluation of SPED eligibility for a case impacted by the *Larry P. v. Riles (1979)* decision. This study sought to investigate the process by which practitioners arrive at SPED eligibility determinations for a student impacted by the *Larry P.* mandate. A descriptive research design with a survey and a case study were implemented to answer these questions. This research strategy allows for an in-depth analysis of how practitioners analyze information for an SLD evaluation.

Participants

All of the participants were school psychologists within the state of California. The participants were gathered through the following means: advertisement of the survey on the California Association of School Psychologists (CASP) website, advertising of the survey through the CASP weekly e-mail blasts to CASP members, and collaboration with Special Education Local Plan Area (SELPA) coordinators across the state via e-mail and phone. To ensure appropriate representation of districts that implemented RTI, the list of districts who received the Scale Up Multi-Tiered-Systems-of Support Statewide (SUMS) award (a grant for schools moving forth with the RTI framework) were targeted in the collaboration process.

One-hundred and ninety-two school psychologists participated in this survey. Of the 192 participants, 93 completed the survey in its entirety. Of the participants that
completed the survey, 81% were female and 80% were White. Other racial categories reported were Black or African American (7%), American Indian (2%), Asian (2%), and Multiracial (9%). Eighty-nine percent of the participants completed their school psychology training in California. The majority of the participants (45%) have been practicing school psychology for one to nine years (early career practitioner). Twenty-eight percent reported themselves to be mid-career practitioners (10-18 years). Twenty-seven percent reported themselves to be veterans in the field (19 or more years).

The participants were sampled from all across the state and all across the 10 regions identified by CASP. Across the 10 regions, 46% of the participants reported to be employed in Northern California areas, 32% in Southern California areas, and 22% in Central California areas.

Instrument

The survey consisted of five major sections: demographics of the participant, the participant’s assessment practices, the participant’s involvement in the RTI assessment method, a review of a hypothetical case study of an African American student referred for SPED assessment, and the participant’s determination of whether or not the case study met IDEA (2004) criteria for SPED qualification.

The case study used in this investigation consisted of a psychoeducational assessment report, a report commonly used in the field to present all relevant information gathered on a student evaluated for a learning disability. Given the over-identification of males in SPED, the hypothetical student for the case study was referred to as Dakota, a
gender-neutral name (Donald et al., 2003). The case design included the following components: Dakota’s background information, reason for Dakota’s referral for psychoeducational assessment, Dakota’s developmental, medical, and family history, Dakota’s academic history, teacher interview, parent interview, observations Dakota, Dakota’s achievement on academic standardized testing, Dakota’s ranking on behavioral and emotional measures, and Dakota’s performance on measures of perceptual processes. Dakota was portrayed as a student who struggled across all areas of academics. Dakota was an underachieving student despite being motivated, having received appropriate instructions/interventions/supports, and not being afflicted by exclusionary factors such as poverty. This profile was used for the case study to investigate what assessment practices look like for students who meet some, but not all of the criteria for SLD given the notion that low achievers are qualitatively and etiologically different from students who have SLD (Westwood, 2004).

This survey was originally piloted on eight students in the California State University, Chico Applied Psychology/School Psychology program prior to being released across the state. The final 17-minute survey was administered via Qualtrics. The survey is located in the Appendix.

Data Analysis Procedures

Given the descriptive study design, this investigation was interested in the relationships between various nominal and interval data. As a result, chi-square analyses were performed on nominal data and paired-samples t-tests were performed when
comparing nominal and interval data. Whenever the chi-square statistic determined that the observed values of the variables was too low, the likelihood ratio was used instead. All other analyses involved descriptive statistics.
CHAPTER IV

RESULTS AND DISCUSSION

Presentation of the Findings

The purpose of this study was to investigate how school psychologists in California evaluate learning disability assessment data when the use of IQ tests are redacted. Four questions were posited in the investigation of this topic:

1. What are the differences in the information that practitioners report to gather for cases impacted and not impacted by the Larry P. mandate?

2. How consistently do school psychology practitioners interpret a case where IQ scores are redacted?

3. What extra information did school psychologists request to help them determine whether criteria for SLD was met?

4. What is the relationship between a school psychologist’s assessment model (Discrepancy model; Processing Strengths and Weaknesses; Response to Intervention) and the special education eligibility determination for the case study?

Research Question 1

A paired samples t-test was used to compare the percent value reported for each RIOT component in the non-Larry P. cases and the Larry P. cases. The components of RIOT included records (classroom tests, report card grades, work samples), interviews
(parent, teacher, student), observations (during structured and unstructured periods),
cognitive tests (standardized and norm referenced IQ tests), and non-cognitive tests
(standardized and norm-referenced or criterion referenced tests). There was a significant
difference in the percent of all reported assessment procedures. Table 1 lists the percent
mean and standard deviation of the RIOT components, while Figure 1 provides a bar
graph of the aggregated average percent reliance on RIOT components.

Table 1

Percent mean and standard deviation across the RIOT components

<table>
<thead>
<tr>
<th>Assessment Procedure</th>
<th>Non-Larry P. (Mean ± SD)</th>
<th>Larry P. (Mean ± SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record review*</td>
<td>15 ± 8</td>
<td>19 ± 10</td>
</tr>
<tr>
<td>Interview*</td>
<td>13 ± 7</td>
<td>16 ± 7</td>
</tr>
<tr>
<td>Observation*</td>
<td>13 ± 7</td>
<td>16 ± 8</td>
</tr>
<tr>
<td>Cognitive Testing*</td>
<td>40 ± 19</td>
<td>13 ± 21</td>
</tr>
<tr>
<td>Non-cognitive Testing*</td>
<td>20 ± 12</td>
<td>36 ± 20</td>
</tr>
</tbody>
</table>

*Significant at $p = <0.01$
Research Question 2

The second question asked how consistently school psychology practitioners interpret a case where IQ scores are excluded. It was found that 82% of the participants found the case study to meet criteria for SLD. The remaining participants reported that Dakota was ineligible for SPED (15%), eligible for Section 504 (2%), and eligible for SPED as a student with speech of language impairment (1%). The trend in eligibility category was independent of the level of education $X^2_{(6)} = 4.7 \ (p = 0.7)$, level of RTI involvement $X^2_{(15)} = 21.9 \ (p = 0.1)$, participant’s race $X^2_{(21)} = 6.9 \ (p = 0.9)$, and years in practice $X^2_{(6)} = 5.6 \ (p = 0.5)$. Of the seven participants who reported that RTI has been in place at their school, all determined that Dakota met SLD criteria.

A more in-depth analysis of this question was carried out by asking participants to rank the usefulness of the case-study components (Figure 2). The case-study components included Dakota’s referral information, background history, academic history, intervention history, observations, academic achievement, processing test data, behavioral test data, and the review of adaptive behaviors. A Likert-scale from one to five was implemented, ranging from most useful to least useful, respectively. It may be important to note that participants were allowed to rank multiple components with the same Likert-scale value. Furthermore, although there were nine components to the presented case study, participants were asked to rank order the top five components. As a result, data was not evenly distributed across each of the case-study components. Given
this, this data is best reported via frequency analysis. The component rated as most useful (e.g., Likert-scale value of one) was Dakota’s intervention history ($x = 34$). This was followed by standardized academic and processing test scores ($x = 27$ for both), standardized academic test scores again for the Likert-scale value of three ($x = 23$), academic history ($x = 26$), and lastly, observations ($x = 23$).

![Figure 2: Usefulness of Case Study Components](image)

**Research Question 3**

The third question asked what extra information school psychologists requested to help them determine whether criteria for SLD were met. Participants were
able to request more than one option. According to Figure 3, most of the participants requested cognitive/neuropsychological measures (34%) in addition to processing measures (29%). Cognitive/neuropsychological and processing measures can be thought of synonymously as all result in standardized norm-referenced scores. Participants were also asked to list the tools they would prefer for such as assessment. According to Table 2, the most frequently reported tools included measures of auditory processing, measures of memory, neuropsychological tests, and tests that purport to measure IQ.

![Figure 3: Additional Requested Information](image)

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Requested Tests</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>CTOPP</td>
</tr>
<tr>
<td>15</td>
<td>CAS</td>
</tr>
</tbody>
</table>
Research Question 4

The fourth question asked what the relationship is between a school psychologist’s assessment model (Discrepancy models and RTI) and the special education eligibility determination for the case study that is impacted by the Larry P. mandate. Results showed that 39% of the participants practiced under the Achievement-Discrepancy model, 38% practiced under the PSW model, and 0% practiced under RTI. The remaining participants (22%) reported to practice under a combination of the three models. Practice under a given assessment model was independent of the eligibility category chosen $X^2_{(12)} = 9.3$ ($p = 0.7$).
Discussion of the Results

Question 1

The first question sought to investigate the value that practitioners place on each of the RIOT components. *IDEA (2004)* requires that no one assessment, test, or procedure be used as the sole determining factor in the placement of any student in special education (Ortiz, 2008). Similarly, best practices in the field assert that nondiscriminatory assessment must encompass a multidisciplinary approach (multi-method, multi-informant, multi-setting) to compile appropriate information to make well informed decisions (Ortiz, 2008).
As it may be expected, the *Larry P.* mandate has resulted in significant changes the manner in which assessments are approached for African American students. The results showed that practitioners approached assessment practices differently for cases impacted and not impacted by *Larry P.* across all RIOT components. First and foremost, results showed that all tests continue to be weighed more heavily in assessments regardless of whether a case is impacted by the *Larry P.* ruling or not. Furthermore, despite the ban on IQ tests for African American students, practitioners are continuing to use IQ tests with this population of students. Although the majority of the practitioners reported not using IQ tests at all, some reported relying on IQ tests up to 80% for the eligibility decision. This finding is consistent with previous studies that have shown the use of IQ tests persisting despite the *Larry P.* mandate (Dawson & Simmons, 2008; Dizon, 2013). However, it may be important to note that other factors may be mediating these findings, particularly the shortage of school psychologists and the possible resulting increase in practitioners’ caseloads.

**Question 2**

When asked to determine eligibility for the case study, 82% of the participants determined that Dakota met *IDEA (2004)* criteria for SLD. This is an interesting finding given that, as previously stated, Dakota did not display all of the necessary criteria to be identified as having SLD (e.g., Dakota’s profile depicted a slow learner who did not have overall cognitive strengths). From the perspective of the discrepancy models, participants were asked to make decisions based on incomplete data, requiring practitioners to utilize
their subjective judgement and inference in regard to a student’s cognitive profile. Despite this, the majority of the participants saw the intervention history as the most useful factor in their determination of Dakota’s eligibility. Similarly, this factor was followed by standardized tests of achievement and auditory processing. This shows that without the use of IQ tests, practitioners were able to consistently analyze Dakota as a student who, under the RTI model, met criteria for SLD.

**Question 3**

After participants had the opportunity to determine eligibility, they were asked what additional information would have helped them determine the presence of a learning disability for Dakota. Of the participants who responded, 39% requested processing/cognitive/neuropsychological scores. It appears that participants are not comfortable with basing their decisions without quantifying and comparing Dakota’s information processing abilities to that of other same-age children. This may also suggest that practitioners in California may not view the use of the RTI model alone as being rigorous enough to determine SLD. Despite this, when required to make decisions based on RTI data alone, practitioners were able to shift their assessment practices and largely come to the supported conclusion of Dakota having SLD.

**Question 4**

The fourth question sought to examine the relationship between eligibility determinations under the discrepancy models compared to the RTI model. However, the
results showed a lack of RTI implementation. While most school psychologists practiced under either of discrepancy models, 22% practiced under a combination of the three models, with no participants practicing solely under RTI. As a result, the question as to how practice under the RTI only approach would impact eligibility for the case study continues to hold. Despite this, these results reflect the lack of RTI initiative in California.
CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

This research study hoped to identify the process school psychology practitioners engage in when determining the presence of SLD for a student impacted by the Larry P. mandate. Unlike previous research, this study utilized a case study which allowed for an in-depth evaluation of how practitioners analyze psychoeducational data for a Larry P. case.

Within the study design, participants were presented with a vignette of an African American student, Dakota, who struggled across all areas of academics despite receiving appropriate academic supports/interventions. Following the presentation of the psychoeducational data (e.g., all RIOT components with the exception of IQ testing), participants were asked to determine whether this hypothetical student met IDEA (2004) criteria for a learning disability.

The results of this study provided four main conclusions. First, this study showed that practitioners rely heavily on standardized test scores to determine eligibility, regardless of the case being impacted by Larry P. or not. Given the best practice approach of equally utilizing various sources in an eligibility decision, this finding may pose some concern for the field. Despite the reliance on information from tests and the lack of Larry P. cases practitioners reported to come across in a given school year, practitioners showed to be generally consistent in their determination of Dakota as having
SLD. With the most compelling data being rated as the lack of progress to intervention, it is promising to see that despite the prevalence of the discrepancy models, practitioners are able to come to a consensus when IQ scores are redacted. Despite this, practitioners have shown to consistently report the need for IQ tests in being able to better make their eligibility decision. The request for IQ scores for cases impacted by *Larry P.* is a finding that is consistent with the results from Dizon (2013). It is possible that these reports are due to practitioners’ discomfort in being able to only utilize RTI information. However, it is also be plausible that the investigation of SLD without IQ scores requires practitioners to make subjective inferences of a student’s basic psychological processing abilities.

Similarly, given that only a fraction of the participants worked under an eclectic model that included RTI, it is possible that many African American students are being assessed for a learning disability where the robust RTI data is not available. For practitioners working under the discrepancy models, the lack of RTI information may become particularly concerning with regard to accurately and reliably teasing apart SLD from general learning difficulties.

Overall, this study showed that despite the prevalence of the discrepancy models in California and despite the high reliance on tests, when presented with an RTI case that excluded IQ scores, practitioners generally considered the information in a similar fashion and came to a similar conclusion. Although the issue of overrepresentation has not had its intended effects given the outcomes from *Larry P.*, this case study provided light on the value of the RTI model in addressing assessment practices for students impacted by the *Larry P.* mandate. Nevertheless, the lack of RTI
initiative in California points to the continued efforts in needing to bolster equitable practices and assessments to address the perpetrating trend of disproportionality in SPED.

Recommendations

Given the gap in research on the implications of the Larry P. mandate, in addition to the confusion surrounding best practices in assessment of African American students in California, future research on this topic is imperative. While this study sought to examine practices through a case-study, future directions given these results may include analyzing a case study where participants are randomly assigned to a case study with or without IQ scores. Furthermore, given that practitioners reported intervention data to be the most salient component of the case study, it may be insightful to also randomly assign participants to review various levels of a student’s response to intervention. In addition, the case study may also yield more useful information by including not only progress monitoring data for the area of reading, but for other academic areas as well, such as math and writing. Similarly, providing intervention data across all academic areas may further reinforce the depiction of the case-study student as a slow learner.

Limitations of the Study

The limitations of this study include the fact that only practitioners in the state of California were sampled given that the Larry P. case only applies to the state of California. Due to these sampling constraints, this survey was impacted by the small
sample size in addition to the lack of representation of schools that follow the RTI model of assessment.

This study may also be limited in its survey design. First, the survey included a vignette upon which participants were asked to respond to. For the sake of survey completion, the case description may have been too brief for participants who may have wanted more information about the student before being tasked with making a decision around SPED eligibility. This concern was also expressed by some of the participants who felt there was not enough information in the case study. Furthermore, the length of the survey may have impacted participants’ completion of the survey.
REFERENCES
REFERENCES


United States Department of Education [USDOE], Office of Special Education Programs, Data Analysis System [DANS], 2006.

United States Department of Education [USDOE], Office of Special Education Programs, Data Analysis System [DANS], 2008.


APPENDIX A

You are invited to participate in a study investigating the practices around special education eligibility in the state of California. You will be asked a series of questions pertaining to your demographics, your practices in the field, and your professional judgment on a hypothetical evaluation case for special education. This study is expected to take 10-30 minutes.

Your data will be held strictly confidential. No personally identifying information such as your name or e-mail/IP address, will be stored. However, if you are interested in participating in 13 drawings for a $20 Amazon™ gift-card, please include your e-mail at the end of the study. E-mails are not linked to responses. All analysis and dissemination of the data will be done in an aggregated manner.

By clicking on the next/arrow button, you voluntarily agree to participate in the research study.

What is your gender identity?

- [ ] Male
- [ ] Female
- [ ] Other (please specify)


What is your ethnic identity?

- Hispanic/Latinx
- Not Hispanic/Latinx

What is your race? Check all that apply.

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Did you receive your school psychology training in California?

- Yes
- No (please specify state)

How many years have you been practicing as a school psychologist?

- Early career practitioner (1-9 years)
- Mid career practitioners (10-18 years)
- Veteran (19+ years)
How many years have you been practicing as a school psychologist in California?

- 1–9 years
- 10–18 years
- 19+ years

What is your highest level of education?

- Master’s
- Ed.S.
- Doctorate
What licenses/credentials do you hold? Check all that apply.

☐ State certified

☐ Nationally Certified School Psychologist (NCSP)

☐ Licensed Educational Practitioner (LEP)

☐ Other (please describe)

How would you describe your employment site?

☐ Rural

☐ Suburban

☐ Urban
How would you describe your employment site based on the following CASP locations?

<table>
<thead>
<tr>
<th>Region</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
<td>Northern Coast</td>
</tr>
<tr>
<td>Region 2</td>
<td>Greater Bay Area</td>
</tr>
<tr>
<td>Region 3</td>
<td>San Joaquin Valley</td>
</tr>
<tr>
<td>Region 4</td>
<td>Los Angeles School District</td>
</tr>
<tr>
<td>Region 5</td>
<td>South and East Los Angeles County</td>
</tr>
<tr>
<td>Region 6</td>
<td>Inland Empire</td>
</tr>
<tr>
<td>Region 7</td>
<td>Way South Region</td>
</tr>
<tr>
<td>Region 8</td>
<td>Central Coast Region</td>
</tr>
<tr>
<td>Region 9</td>
<td>Orange County</td>
</tr>
<tr>
<td>Region 10</td>
<td>Sacramento Valley</td>
</tr>
</tbody>
</table>

How many psycho-educational assessments did you complete in the 2017-2018 school year?

<table>
<thead>
<tr>
<th>Range</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–25</td>
<td></td>
</tr>
<tr>
<td>26–50</td>
<td></td>
</tr>
<tr>
<td>51–75</td>
<td></td>
</tr>
<tr>
<td>76–100</td>
<td></td>
</tr>
<tr>
<td>100+</td>
<td></td>
</tr>
</tbody>
</table>
Of the total evaluations you completed in the 2017-2018 school year, please estimate the percentage that resulted in the students being found **eligible for special education services**.

- 0–10%
- 11–20%
- 21–30%
- 31–40%
- 41–50%
- 51–60%
- 61–70%
- 71–80%
- 81–90%
- 91–100%
Of the evaluations you completed during the 2017-2018 school year, approximately what percentage were impacted by the Larry P. v. Riles (1979) decision?

- [ ] 0–10%
- [ ] 11–20%
- [ ] 21–30%
- [ ] 31–40%
- [ ] 41–50%
- [ ] 51–60%
- [ ] 61–70%
- [ ] 71–80%
- [ ] 81–90%
- [ ] 91–100%
Of the evaluations you’ve completed during the 2017-2018 school year that were impacted by the Larry P. decision, approximately what percentage resulted in the students being found eligible for special education services?

- [ ] 0–10%
- [ ] 11–20%
- [ ] 21–30%
- [ ] 31–40%
- [ ] 41–50%
- [ ] 51–60%
- [ ] 61–70%
- [ ] 71–80%
- [ ] 81–90%
- [ ] 91–100%
When determining eligibility for Specific Learning Disability, which choice under educational code does your primary school site use?

- [ ] Response to Intervention (RTI)
- [ ] Discrepancy (IQ-Achievement Discrepancy Model)
- [ ] Processing Strengths and Weaknesses (PSW)

In making decisions about Special Education eligibility for students who are not African American, how much do you rely on the following types of data to make your decisions? Please provide a percentage for each. Percentages must add up to 100%.

<table>
<thead>
<tr>
<th>Data Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records (classroom tests, report card grades, work samples)</td>
<td>0</td>
</tr>
<tr>
<td>Interviews (parent, teacher, student)</td>
<td>0</td>
</tr>
<tr>
<td>Observations (structured, unstructured)</td>
<td>0</td>
</tr>
<tr>
<td>Tests: cognitive (standardized, norm referenced)</td>
<td>0</td>
</tr>
<tr>
<td>Tests: non-cognitive (standardized, norm referenced or criterion referenced)</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
</tr>
</tbody>
</table>
In making decisions about Special Education eligibility for students who are African American, how much do you rely on the following types of data to make your decision? Please provide a percentage of each.

**Percentages must add up to 100%.**

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Records (classroom tests, report card grades, work samples)</td>
<td>0</td>
</tr>
<tr>
<td>Interviews (parent, teacher, student)</td>
<td>0</td>
</tr>
<tr>
<td>Observations (structured, unstructured)</td>
<td>0</td>
</tr>
<tr>
<td>Tests: cognitive (standardized, norm referenced)</td>
<td>0</td>
</tr>
<tr>
<td>Tests: non-cognitive (standardized, norm referenced or criterion reference</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

How long has RTI been in place at your school?

- [ ] 2 years or less
- [ ] 3–5 years
- [ ] 6+ years
Please estimate your overall involvement and knowledge in RTI as a school psychologist at your primary site.

- None/Does not apply
- Beginning stages (advocacy for a tiered approach to instruction and supports)
  - Intermediate stages (knowledge of evidence-based curriculums and academic interventions & use of data-based progress monitoring of response to interventions)
  - Advanced stages (systematically involved in placing students in tiers 2 and 3, systematically managing the movement of students across the tiers, guiding the use of evidence-based academic interventions and curriculums, systematically monitoring students’ progress in interventions, and systematically monitoring the efficacy of interventions)
Please rate the school-wide (tier 1) reading curriculum:

<table>
<thead>
<tr>
<th></th>
<th>1= none/does not apply</th>
<th>2= some or beginning</th>
<th>3= most or advanced</th>
<th>4= all or completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The curriculum is evidence-based</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Teachers and staff have been trained to use the selected curriculum</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>There is a procedure in place to determine if the curriculum is delivered with integrity and fidelity (intervention-specific checklist, self report, observations, etc.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Schoolwide screening data on reading is collected at least 3 times a year</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>The school-wide screening tool is a curriculum based measure (CBM)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

There is a tier 2 reading intervention that all students who are identified at-risk receive:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Please rate the **tier 2 reading** curriculum:

<table>
<thead>
<tr>
<th>1= none/does not apply</th>
<th>2= some or beginning</th>
<th>3= most or advanced</th>
<th>4= all or completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The intervention is evidence-based</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>The intervention supports students based on their skill level rather than grade level</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Teachers and staff have been trained to use the selected intervention</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>There is a procedure to determine if the intervention is delivered with integrity</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>The intervention period lasts for at least 8 weeks</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Tier 2 students are monitored weekly or bi-weekly on their reading skills</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

Other than special education, there is a different **tier 3 reading** curriculum in place:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
Please rate the **tier 3 reading** curriculum/intervention:

<table>
<thead>
<tr>
<th></th>
<th>1 = none/does not apply</th>
<th>2 = some or beginning</th>
<th>3 = most or advanced</th>
<th>4 = all or completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The intervention is evidence-based</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The intervention focuses on student’s skill level rather than grade level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teachers and staff have been trained to use the selected intervention</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>There is a procedure to determine if the intervention is delivered with integrity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 3 students are monitored daily or weekly on their reading skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Please rate the **reading progress monitoring** procedures for tier 2/tier 3:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>none/does not apply</td>
</tr>
<tr>
<td>2</td>
<td>some or beginning</td>
</tr>
<tr>
<td>3</td>
<td>most or advanced</td>
</tr>
<tr>
<td>4</td>
<td>all or completed</td>
</tr>
</tbody>
</table>

The progress monitoring tool is the same as the school-wide progress monitoring tool

Students' intervention goal is determined using benchmarks or norms

The weekly goals are determined using expected rate of growth in addition to the linear regression

A student is determined to be making inadequate progress if he/she has not met 4 consecutive weekly goals

---

**CASE STUDY**

**REFERRAL INFORMATION**

Dakota is an 8-year-old African American second grader who is a native English speaker. Dakota was referred for assessment by the Student Study Team due to concerns about below grade level skills in all areas of academics and inconsistent progress in interventions.
BACKGROUND HISTORY

Developmental and medical history: Mother reports a normal pregnancy and birth. Dakota met all developmental milestones within normal limits. There is no history of health concerns. Dakota recently passed vision and hearing screenings.

Family: Dakota lives in an intact family. Father works as an assistant professor and mother works in sales. Dakota's older sibling (10 years old) also has some trouble with reading but does not receive special education services. No history of learning disabilities in the family was reported.

Mr. and Mrs. Parent report that their main concern is Dakota's academic progress. They reported that Dakota becomes frustrated when reading independently or doing math homework which started in first grade. Mr. and Mrs. Parent reported that Dakota is forgetful and has difficulty applying skills to solve new problems. Furthermore, Dakota sometimes gets frustrated during conversations because of limited vocabulary. Lastly, the parents have noted that Dakota can be slow to respond to others and requires additional time to complete simple activities such as putting away tableware into the appropriate cutlery bin to name one.

During family free time, Dakota enjoys family movie nights, hiking, completing jigsaw puzzles, and going to the park. Dakota has a handful of neighborhood friends who play together after school. Dakota is great with sharing toys with others. Dakota is very friendly and polite to others. When Dakota is alone, Dakota enjoys drawing, playing outside, and building Legos. Overall, people describe Dakota as kind, hard-working, and joyful.
ACADEMIC HISTORY

Dakota has attended the same school since Kindergarten. Dakota's attendance record is excellent with fewer than 3 absences and 5 tardies in all three years combined.

In kindergarten, Dakota struggled with letter-sound correspondence and the ability to decode nonsense words. By the end of the year, Dakota was able to read only 5 sight words per minute (wpm), which is less than half of the grade level expectation of 12 wpm. In 1st grade, Dakota increased to reading 14 wpm, but fell short of the 50 wpm for 1st grade end of the year benchmark. Currently in 2nd grade, Dakota reads at 18 wpm, while other 2nd grade peers are reading 62 wpm. According to his 2nd grade teacher, Dakota struggles with decoding, blending sounds, and reading accurately and fluently, but he seems to have adequate listening comprehension.

In regards to math, Dakota performed in the basic to proficient range in kindergarten. In 1st grade, Dakota struggled with abstract concepts. Now in 2nd grade, Dakota struggles with addition, subtraction, and place values.

INTERVENTION HISTORY

Dakota has been receiving daily intervention targeting phonemic and phonological awareness, decoding, and fluency for the past 30 weeks.
OBSERVATIONS

Dakota was observed for 25-minutes during reading. The observation was done from 11:00-11:25 A.M. The behaviors were sampled once every 15 seconds (momentary time sampling). During reading, the class worked on a reading activity. Dakota worked with a group of 3-4 other students. As the teacher provided instructions for the reading activity, Dakota sat quietly and played with a pencil while others were looking at the teacher. When the teacher told the class to read silently, Dakota looked down at the book and appeared to be reading. When the class was told to have a group discussion about the reading, Dakota followed the directions and quietly talked with the group. Next, the students were asked to switch groups. During this transition period, Dakota got up and walked around the classroom for almost 5 minutes before heading to the next group, while it took referent peers 1 minute to transition. When prompted, Dakota quickly sat and began on the reading activity. Shortly after, Dakota was observed looking outside the window for 3 minutes. When the teacher redirected Dakota back to task, Dakota complied. Throughout this time, Dakota was on-task 90% of the time and the comparison peers were on-task 94% of the time.
## ACADEMIC ACHIEVEMENT: Wechsler Individual Achievement Test-Third Edition (WIAT-III)

<table>
<thead>
<tr>
<th>Composite/Subtest</th>
<th>Standard Score</th>
<th>Percentile Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Reading</strong></td>
<td>80</td>
<td>9</td>
</tr>
<tr>
<td>Early Reading Skills</td>
<td>82</td>
<td>12</td>
</tr>
<tr>
<td><strong>Basic Reading</strong></td>
<td>80</td>
<td>9</td>
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<tr>
<td>Word Reading</td>
<td>74</td>
<td>4</td>
</tr>
<tr>
<td>Pseudoword Decoding</td>
<td>85</td>
<td>16</td>
</tr>
<tr>
<td><strong>Reading Comprehension &amp; Fluency</strong></td>
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<td>3</td>
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<tr>
<td>Reading Comprehension</td>
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<td>5</td>
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<tr>
<td>Oral Reading Fluency</td>
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<td>5</td>
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<tr>
<td><strong>Written Expression</strong></td>
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<td>5</td>
</tr>
<tr>
<td>Alphabet Writing Fluency</td>
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<td>19</td>
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<tr>
<td>Sentence Composition</td>
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<td>1</td>
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<tr>
<td>Spelling</td>
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<td>14</td>
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<tr>
<td><strong>Mathematics</strong></td>
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<td>7</td>
</tr>
<tr>
<td>Math Problem Solving</td>
<td>76</td>
<td>5</td>
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<tr>
<td>Numerical Operations</td>
<td>82</td>
<td>12</td>
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<tr>
<td><strong>Math Fluency</strong></td>
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<td>6</td>
</tr>
<tr>
<td>Math Fluency Addition</td>
<td>77</td>
<td>6</td>
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<tr>
<td>Math Fluency Subtraction</td>
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<td>6</td>
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</table>
**PROCESSING**: Comprehensive Test of Phonological Processing-
Second Edition (CTOPP-II)

<table>
<thead>
<tr>
<th>Composite/Subtest</th>
<th>Scaled Score</th>
<th>Standard Score</th>
<th>Percentile Rank</th>
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</thead>
<tbody>
<tr>
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<td>Elision</td>
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<td></td>
<td>9</td>
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<tr>
<td>Blending words</td>
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<td></td>
<td>9</td>
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<tr>
<td>Phoneme isolation</td>
<td>5</td>
<td></td>
<td>5</td>
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</tbody>
</table>

**BEHAVIORAL**: The Behavior Assessment System for Children,
Third Edition (BASC-3)
Both teacher and parent rated Dakota as average across all measures (externalizing problems, internalizing problems, behavioral symptom index, adaptive skills).

**ADAPTIVE**: The Adaptive Behavior Assessment System, Third Edition (ABAS-3)
Both teacher and parent rated Dakota as average across all measures (General adaptive Composite, Conceptual, Social, and Practical).
After reading through the information provided in the case study, Dakota is

- **not eligible** for special education services.
- eligible for Section 504.
- eligible for SPED as a student with autism
- eligible for SPED as a student with deaf-blindness
- eligible for SPED as a student with deafness
- eligible for SPED as a student with emotional disturbance
- eligible for SPED as a student with hearing impairment
- eligible for SPED as a student with intellectual disability
- eligible for SPED as a student with multiple disabilities
- eligible for SPED as a student with orthopedic impairment
- eligible for SPED as a student with other health impairment
- eligible for SPED as a student with specific learning disability
- eligible for SPED as a student with speech or language impairment
- eligible for SPED as a student with traumatic brain injury
- eligible for SPED as a student with visual impairment (including blindness)
Please rank the top 5 case study components that significantly impacted the decision for Dakota (1-5 with 1 representing the most compelling piece of information).

- Referral information
- Background history
- Academic history
- Intervention history
- Observations
- Academic achievement test data
- Processing test data
- Behavioral test data
- Adaptive

What other information would have helped you to make your decision about Dakota?

- Cognitive/Neuropsychological (please specify instruments)
- Processing (please specify instruments)
- Standardized Achievement (please specify)
- Classroom Based Assessments (please specify)
- Other