

An Update of Recent Federal, State, and, Local Policy Regarding Learning Disabilities

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Outline

- Federal Policy
 - No Child Left Behind
 - IDEA
 - Mental Health Parity Act of 2008
- State
 - California responses to NCLB
- Local
 - LAUSD responses

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Mental Health Parity Example

- Sept 23, 2008 Mental Health Parity Act approved by congress
- 1999 – Mental Health Parity passed by California
 - Judicial issues still being decided

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No Child Left Behind (2002)

- Scientifically Based Reading Instruction
- Proficiency Testing in Reading, Math, Science
- Free Tutoring, Summer School, After-School Programs
- Transfers from Failing Schools and School Choice
- New Qualifications for Teachers and Paraprofessionals
- Bonus Pay, Stipends, Scholarships for Teachers and Principals
- Teacher Liability Protection

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The need for NCLB for students with Learning Disabilities

- Despite having their disabilities identified earlier (from 7.3 years of age in 1987 to 6.5 years of age in 2001) two-thirds of secondary students with learning disabilities are reading 3 or more grade levels behind.
- Twenty percent are reading 5 or more grade levels behind. (Source: Youth with Disabilities: A Changing Population and The Achievements of Youth with Disabilities During Secondary School. Reports from the National Longitudinal Transition Study-2 (NLTS2) 2003)

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The need for NCLB for students with Learning Disabilities

- Students with disabilities continue to be retained much more often than the general population - more than one-third are retained at grade level at least once, usually in elementary school.

(Source: Going to School: Instructional contexts, programs, and participation of secondary school students with disabilities. A report from the National Longitudinal Transition Study-2 (NLTS2) 2003)

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The need for NCLB for students with Learning Disabilities

- Nearly 36 percent of students with learning disabilities drop out of school.
- Only 57 percent graduate with a standard diploma.
- Two-thirds of high school graduates with learning disabilities were rated entirely unqualified to enter a four-year college, compared to 37% of non-disabled graduates.

(Source: 26th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2004; Students With Disabilities in Postsecondary Education: A Profile of Preparation, Participation, and Outcomes, NCES 1999.)

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Problems with NCLB and LD

- In the original text, all children in a school, including those with LD were tested in order to qualify the school for federal funding (AYP –annual yearly progress).
- So, in January 2004, states were allowed to exclude 1% of a district's population (not the school's) and provide an alternative assessment

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Problems with NCLB and LD

- For example
 - A school district with 1,000 total students might determine that 15 have significant cognitive disabilities.
 - If all 15 take an alternate assessment and all score proficient, that results in 1.5 percent of students scoring proficient on such alternate tests.
 - Since no more than 1 percent of such scores may be counted, only 10 of those proficient scores count for AYP which then affect federal funding.

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IDEA (2004)

- Began as the Education for All Handicapped Children Act (EHA - PL 94-142) in 1975. (FAPE and IEP's)
- Has to be re- authorized every 5 years
 - 1986 - infant and toddler component
 - 1990 - transition planning
 - 2004 – discipline, parent's rights and RTI

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Highlights of the 2004 changes

- Parental Challenges
 - Complaints are limited to the past 2 years
 - "Preliminary Meetings"
 - *Schaffer v. Weast* & Manifest Determination Reviews (parent responsibility)
 - IEP attendance not mandatory for all team members
 - Parent may initiate a request for an initial evaluation to determine if a child has a disability
 - Have to have parental consent for Special Education
 - If a parent refuses the school district may not use mediation and due process in order to provide services.

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Highlights of the 2004 changes

- SLD Designation
 - SLD definition remains the same
- 3 methods of diagnosis
 - Discrepancy (no longer required)
 - Poor response to a scientifically based method of instruction (RTI)
 - Alternative research based procedures

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Problems with IDEA 2004

- IDEA provides an individualized education plan (IEP) for each student with disabilities
- IEP determines what the academic goals are for that student and how the attainment of such goals will be measured.
- NCLB requires ALL students to take some type of standardized assessment and measures the group results.

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Problems with IDEA 2004

- **Federal Funding**
 - While the new bill provides an authorization schedule for federal appropriations that is designed to achieve the full federal commitment by year 2011, appropriations are not mandatory and will, therefore, be subject to the yearly appropriations process
 - Promises 40% parity, has never gone beyond 17%

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California and NCLB

- California has the lowest proportional percentage of students in special education, but the highest actual number in the country
 - 10.5% compared with 20% in Rhode Island
 - 675,763 students compared with 442,000 in NY
 - 45% of those in special education have a SLD designation
 - Digest of Educational Statistics (2005)

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California and NCLB

- AJR 23 – calls for more flexibility in testing and opting out procedures
- AB2717 – burden of parental rights

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California and IDEA

- **RTI**
 - No model to assessment of RTI

 - No budget specifically associated with early intervention

 - No early intervention model chosen

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California and IDEA

- **California English Language Development Test**
 - Part of NCLB
 - Created for the state in 2004
 - No LD norms
 - No follow through

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