

# Ruling Out Exclusionary Factors Through the Utilization of a Response-to-Intervention (RTI) Model

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## Abstract

*Prior to referring and/or finding a student eligible for special education services under the category of Specific Learning Disability (SLD), the law requires that educators and assessment personnel consider a set of exclusionary factors. Specifically, educational personnel must rule out the primary cause of academic weakness to be the result of one of the following: visual, hearing, or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage, limited English proficiency, or a lack of educational opportunity. Due in part to a lack of operational definition, many overlook such factors. Therefore, the purpose of this article is to examine each exclusionary factor, while providing descriptions and guidelines for considering each. Finally, an Exclusionary Factors Checklist will be introduced for use in documenting the consideration for each factor within an RTI model.*

While student demographics become more diversified (e.g., an increased population of diverse cultures) and as the economy continues to struggle (e.g., an increased number of children living in poverty), the educational system remains ingrained in outdated, traditional methods and practices. Such methods

and practices have been the catalyst to the ineffective interaction between increased poverty rates and the middle class values of the educational system, resulting in educators being ill equipped to adequately address the needs of many diverse students. Although the diversity of our students has increased, an abundance of research has been conducted that shows schools within the United States have and continue to be grounded within middle class values (Payne, 1998).

While school personnel operate from the middle class perspective, our student populations continue to become more diversified with relation to socio-economic status (SES), language, and culture. Consequently, the mismatch between the middle class values of our education system and the influx of students living in poverty entering our schools has posed a dramatic challenge that must be addressed. Specifically, the lack of understanding the role low SES, language, culture, and lack of educational opportunity plays in student growth and development has resulted in the inappropriate referrals to special education evaluation (Bazemore, 2000; Hosp & Reschly, 2004; MacMillan & Reschly, 1998).

Ensuring appropriate student referrals are made for special education evaluation is a vital responsibility of all educational personnel. The Response-to-Intervention (RTI) model, an early identification and intervention program, has provided a viable framework for schools to investigate and document the core cause of student learning difficulties. Specifically, within the RTI process, teachers and other educational personnel should conduct a thorough investigation of the student's strengths and weaknesses; this should be completed by including a review of student history, classroom observations, and through the utilization of screeners, progress monitoring, and the administration of in-depth assessments. Data collected should be carefully analyzed to determine the root of the student's academic deficit and consequently rule out a set of exclusionary factors as being the key contributor.

Specifically, criteria set forth within the

Individuals with Disabilities Education Act (IDEA, 2004) require that educational personnel consider exclusionary factors prior to referring and/or labeling an individual with a specific learning disability (SLD). The law requires that the educational committee (e.g., RTI committee or Student Support Committee) must rule out the cause for the learning problem to be primarily the result of one of the following exclusionary factors: visual, hearing or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural, or economic disadvantage, limited English proficiency (LEP), or a lack of educational opportunity (34 Code of Federal Regulations, §300.311(a)(6)).

Although mandated in the law, previous research has shown noncompliance toward consideration of exclusionary factors in the identification of students with a Specific Learning Disability (SLD) and not as a result of a true disability. According to Bocian, Beebe, MacMillan, and Gresham (1999), multidisciplinary teams controversially ignore evidence of exclusionary factors and consequently misdiagnose SLD in many cases. Most alarmingly, findings of a study conducted by Harris, Gray, Davis, Zaremba, and Argulewicz (1988) indicated that 37.5% of school psychologists disregarded or did not fully consider exclusionary factors when determining eligibility.

A lack of consideration of exclusionary factors within the eligibility determination process has been linked to the ambiguity and intent of the law. Specifically, this pertains to the vagueness of each exclusionary factor, making it difficult for decision makers to apply the criteria presented in the clause. Therefore, the purpose of this article is threefold: 1) identify and define each exclusionary factor, 2) provide guidelines for educational personnel to follow within the RTI process and/or within the eligibility determination process for ruling out exclusionary factors, and 3) provide a comprehensive exclusionary factors checklist that can be used within the RTI and/or eligibility determination process to document committee consideration.



### History of Legal Requirements for Exclusionary Factors

In 1965 the Elementary and Secondary Education Act, the precursor to the Individuals with Disabilities Education Act (IDEA), was passed. The Elementary and Secondary Education Act included the initial mention of services and "specialized instruction and equipment... for persons who are handicapped"; however, there was no mention of eligibility criteria or exclusionary factors within the law. Specifically, the law placed more of a focus on low-income students and meeting their needs.

In 1975, the Education for All Handicapped Children Act (PL 94-142) was passed. PL 94-142 was the nation's law governing special education. The law highlighted eligibility criteria for disability areas and provided guidance to states and local education agencies in meeting students' needs. In addition to including the definition of an LD, the law also specified that a student must not be found to have an LD if their academic struggle was primarily due to visual, hearing, or motor handicaps, intellectual disabilities, emotional disturbance, or of environmental, cultural, or economic disadvantage. The lack of appropriate instruction in reading and math, and limited English proficiency (LEP) was added in the 2006 reauthorization of IDEA (34 Code of Federal Regulations, §300.311(a)(6); IDEA, 2004).

### Operationalizing Exclusionary Factors

As part of the SLD eligibility process, IDEA (2004) requires that prior to referral by educational personnel or prior to labeling a student SLD, assessment personnel must verify that underachievement and lack of sufficient progress "are not primarily the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency or lack of educational opportunity" (IDEA, 2004; Sec. 300.309). While the law clearly lists a number of exclusionary factors, it falls short in providing clear definitions and guidelines for each factor. Consequently, such vagueness has resulted in confusion among Admission Review and Dismissal (ARD) committee members and assessment personnel when determining eligibility, causing some to ignore them altogether.

### Ruling out Exclusionary Factors within an RTI Model

Prior to referring a student for a special education evaluation, most districts are utilizing an

RTI model, an early identification and tiered intervention model of instruction. Within an RTI model, students at-risk of academic failure are identified through the implementation of universal screeners, tiered interventions are implemented, and ongoing progress monitoring is conducted to determine whether a student is responsive to the interventions provided (Mellard & Johnson, 2008). Those found to be nonresponsive are often referred for a comprehensive special education evaluation.

In addition to collecting data through the utilization of universal screeners, interventions, and progress monitoring, RTI committees should also consider and rule out exclusionary factors as being the primary cause of a student's lack of sufficient progress. Through the utilization of the Exclusionary Factors Checklist (Stephens & Pethick, 2009) RTI teams will be better apt to make sound decisions based on solid data. Additionally, the Exclusionary Factors Checklist (See Appendix A) will provide the necessary documentation that the exclusionary factors were appropriately considered, investigated, and ruled out as being the primary cause of academic difficulty. Furthermore, the checklist should be submitted with referral paperwork and used by the team to reconsider during the eligibility determination ARD meeting.

### Visual, Hearing, or Motor Difficulties

The development of an intimate relationship between visual, hearing, and motor abilities and academic learning determines the quality of student academic performance. Specifically, difficulties in these areas inhibit success in academic learning. In turn, manifestations of difficulty occur in academic areas such as reading, math, and writing. Consequently, the RTI committee should consider a student's visual, hearing, and motor abilities as part of the process of selecting students in need of intervention. Additionally, the RTI committee needs to investigate and remediate to ensure one of these areas is not the primary cause of the learning difficulties.

This information should be included within the RTI documentation for further consideration by the ARD committee, should the student be referred for special education evaluation. Specifically, the committee must determine whether underachievement is primarily a result of weaknesses in vision, hearing, or motor ability or the presence of a SLD (Fletcher & Reschly, 2005). Therefore, educators and evaluation personnel need specific definitions and guidelines in order to determine whether the presence of an exclusionary factor such as a

vision, hearing, or motor disability or the presence of SLD is the primary disability causing poor academic performance.

### Visual or Hearing Difficulties

Research indicates that 80% of learning occurs visually as opposed to verbally (Texas Council for Developmental Disabilities, 2008). A visual difficulty has the potential to adversely affect the individual's ability to interact with the learning environment, which can cause poor performance. If undetected and untreated vision problems have an adverse effect on learning and can interfere with an individual's ability to reach academic potential. Therefore, a student may be struggling academically, not because of a SLD but because she cannot see the board and needs glasses.

The presence of a hearing loss [whether temporary or permanent] can adversely affect academic learning and performance while displaying characteristics similar to SLD. Learning implications of individuals with a hearing loss can include difficulty with determining the direction in which the sound is coming, maintaining understanding in the presence of background noise, understanding obscure speech such as rapid or muffled speech, following spoken instructions, discriminating and identifying speech sounds, and responding to auditory stimuli (Jerger & Musiek, 2000). For instance, a student may be struggling academically due to reoccurring ear infections that prevent him from hearing certain sounds, pitches, or words spoken in class, but once the ear infection has been treated his learning difficulties improve.

Individuals with motor difficulties may experience issues with fine and gross motor skills [movement and coordination]. Physical difficulties have the potential to adversely affect academic learning in such areas as fine motor skills (handwriting and manipulating objects) and gross motor participation that may include such things as eye-hand coordination. Consequently, a student with poor fine motor skills may struggle in the area of writing production due to his inability to adequately grasp the pencil and not because of a SLD. Please note, students with a VI, AI, OI can also have an LD if, when each is checked and corrected, it does not remediate the academic struggles the student is experiencing.

### Guidelines for Distinguishing Between Hearing, Vision, and Motor Difficulties & SLD

Early detection and intervention of vision, hearing, and motor difficulties can substan-



tially prevent poor academic performance in individuals. Therefore, as with academic and behavior, RTI programs should integrate periodic screenings of students in the areas of hearing, vision, and motor to identify problems and implement intervention early.

The Texas Education Agency (TEA) regulations require routine vision and hearing screenings to be conducted in schools. It is the recommendation of the authors that these screenings also be part of the RTI process. Additionally, a vision and hearing screening should be conducted prior to a referral for SLD evaluation and/or prior to the start of a comprehensive evaluation. School personnel should assess both near and farsightedness. Health records are required to be available for the assessment personnel to consult and recommend re-screening if needed to provide current information and guidance. If the screenings indicate a possible vision or hearing problem, then a referral to an optometrist, ophthalmologist, or audiologist may be needed. The school nurse or other health professional may conduct a screening for orthopedic problems. If the screening indicates the presence of an orthopedic problem, then a referral to a physical therapist, occupational therapist or medical practitioner may be needed (MAASE, 2010).

If the student is diagnosed with a visual, auditory, or orthopedic disability as the primary cause of poor academic performance, then the student is excluded from consideration for SLD (34 Code of Federal Regulations, §300.311(a)(6)). Assessment personnel must observe the student during academic learning and ask specific vision, hearing, and motor related questions during teacher and parent interviews to reveal the presence of vision, hearing, and motor disabilities (MAASE, 2010). The collection of vision, hearing, and motor data would provide assessment personnel with information to determine whether a pattern of strengths and weaknesses result from a vision, hearing, or motor disability or the presence of SLD, which will reduce misdiagnoses of SLD. The following recommendations should be considered when distinguishing between a vision, hearing, or motor disability and SLD:

1. Ensure screeners for visual, auditory, and motor skills have been conducted and are current.
2. Conduct a thorough review of the student's health history.
3. Determine whether the student wears glasses, hearing aids, or motoric (adaptive/prosthetic) devices, and if so; ensure they are being utilized within the classroom.
4. Observe the student in multiple settings.

### Intellectual Disability (Mental Retardation)

An Intellectual Disability (ID) is a separate eligibility category under IDEA; therefore, students with LD should not be deemed eligible for a co-morbid diagnosis or dual diagnosis of these disability categories. The eligibility criteria for SLD and ID are significantly different. By comparison, a student with a SLD has average to above average intelligence and intact adaptive behavior skills; while a student with an intellectual disability displays significantly sub-average (70 or below) intellectual ability, and deficits in adaptive behavior that manifest during the developmental period (34 Code of Federal Regulations, §300.311(a)(6); IDEA, 2004). When distinguishing between ID and SLD, the following recommendations should be considered:

1. Review the student's health history.
2. Conduct a thorough review of the student's educational history.
3. Update intellectual and achievement assessments.
4. Assess adaptive behaviors (e.g., Vineland)

### Emotional Disturbance

When determining eligibility for SLD, IDEA (2004) requires that Emotional Disturbance (ED) be ruled out as being the major contributor to the student's underachievement (34 Code of Federal Regulations, §300.311(a)(6)). ED is characterized by a student "exhibiting one or more of the following over a long period of time and to a marked degree: 1) inability to learn not explained by intellectual, sensory, or health factors, 2) inability to maintain satisfactory interpersonal relationships, 3) inappropriate behaviors, 4) pervasive unhappiness or depression, or 5) physical symptoms or fears associated with personal or school problems (IDEA, 2004). When ruling out ED as being the primary cause of the student's academic struggles, the following should be considered:

1. Conduct a thorough review of the student's educational records.
2. Review student discipline records to determine whether the student has a documented history of behavioral problems.
3. Investigate whether behavioral screeners have been conducted, if so, what were the results?
3. Determine whether the student experienced major life changes.
5. Observe student behavior in multiple settings to determine whether the behaviors are interfering with learning.
6. Interview the student's parents and teachers to obtain information about behaviors and learning.
7. Interview the student to determine what the struggles involve.

### Environmental Factors & Economic Disadvantage

Environmental factors and socio-economic status have been proven to have major impact on students' academic success. Specifically, the relationship between a student's environment, socioeconomic status (SES) and low academic achievement can have a cumulative effect on all aspects of learning (Fletcher & Navarrete, 2003). Students who do not have the resources and enrichment opportunities at home will undoubtedly struggle academically because of a lack of stimulation and not because of a true LD. Therefore, whenever a student struggles academically, a comprehensive investigation should be conducted to elicit information regarding the student's experiences (or lack thereof) at home. Consequently, a child cannot be found to be LD if the major cause of academic difficulty is a result of poor environmental factors and economic disadvantage (34 Code of Federal Regulations, §300.311(a)(6)).

Generally speaking, when regular education teachers refer a student for a special education evaluation they do not take environment into account. How do school personnel define environment? A study conducted by Christenson (2004) found that school personnel have many definitions for environment. Some respondents defined environment as a physical space, others noted it was the space in which the child and family resided while others identified environment as the beliefs and dynamics of the family. Since the definition of exclusionary factors is not specified in federal law, school districts must delineate their own definition for environment, which is often guided by individual values and judgments.

Since observing a child in the home environment is impractical, most school districts rely on data from referral documents that make queries regarding the home environment such as, with whom the child resides, number of siblings, family activities and acute environmental issues such as births, deaths, divorces, and incarcerations, but rarely are these factors explored in detail. This subjective method of investigation is often plagued by false positives and negatives leading to inappropriate placements (Christenson, 2004). The most common method for determining if home environment may play a role in academic difficulties is through review of parental information and a simple 'yes' or 'no' checkbox on the eligibility form.

Auwater and Aruguete (2008) indicated that teachers who believe that student outcomes are predicated on factors beyond their control (e.g. SES) might have little motivation



to investigate ways to help instruct these students. Furthermore, several studies have been conducted that found economic disadvantage as the cause of overrepresentation of students into special education programs, particularly minority students (Bazemore, 2000; Hosp & Reschly, 2004; MacMillan & Reschly, 1998; Reschly, 1997). Economic predictors are important to consider in referring students for special education evaluation. Many minority children attend schools in poorer urban areas with lower pupil expenditures in which special education services are often the only service option available and accessible to children living in poverty areas (Public Policy Institute, 2003).

Arguably, social class issues including diminished nutrition and limited access to preventive health care means students living in low SES homes are often identified with disabilities. This may be attributed to standard housing, elevated noise levels, inability to regulate temperature and humidity, as well as elevated exposure to noxious pollutants and allergens present in the physical environment inhabited by individuals classified as lower class (Williams & Collins, 2001). Additionally, Bratlinger (2000) posited that members of the middle class hold a popular impression that poor people do not value education and choose not to do well in school. Bratlinger noted, "the system of education and other social agencies in society interact with class formation and governmental structures" (p.6) and that "entitlement programs such as special education presumably give poor children the cultural preparedness or second chance so they can reach their level" (p.5).

Many students come from homes where little value is placed on academics, often due in part to the parents' negative experiences with school. This may be manifested in the parent's absence during conferences and in returning phone calls to school personnel. In her book, *A Framework for Understanding Poverty* (1998), Ruby Payne noted the number of students who bring middle class values to school is decreasing, while the number of students who bring the poverty culture is increasing. This is most evident in the area of language. The majority of students who do not have access to formal register (standard sentence syntax and word choice of work and school) do not do well academically. It is understandable to see how students from low SES homes are readily referred for special education given the culture they bring with them to school, which competes with middle class culture (National Association of Special Education Teachers, 2009).

The concept of "socioeconomic status" is generally understood by school personnel to mean family financial income and the resources that could be afforded with it. The problem is that evidence to provide proof of economic disadvantage is often left to inference. While school personnel may infer that a student is disadvantaged based on the clothing worn or the materials brought from home, it is impossible to obtain enough information without broaching the topic with the student's parents. The following are some recommendations to be considered in the assessment process:

1. Review educational records to ascertain if the student is eligible for free and reduced lunch.
2. Review the communication section of the referral form to see if the student has specific language challenges, particularly expressive language deficits.
3. Examine education records to determine if the student received services through Head Start or other early intervening educational program.
4. Conduct a clinical interview with the parent or guardian.
5. Evaluate student's participation in the Medicaid program.

### **Lack of Educational Opportunity**

Prior to referring a student for an evaluation and consideration for special education, educators and assessment personnel must ensure the student has had adequate educational opportunities (34 Code of Federal Regulations, §300.311(a)(6); IDEA, 2004). When considering whether the student's academic struggles are primarily a result of a lack of educational opportunity, and not a result of an LD, educational personnel must investigate whether the student has received instruction from a highly qualified teacher, been exposed to research-based instructional techniques, and has documented progress monitoring data. In addition to the assessment and intervention data, the most common quantifiable environmental factor explored by eligibility committee meetings in determining whether a student has received adequate instruction is student attendance. Most school personnel are attentive to this factor and include a detailed print out of attendance when referring a student for special education evaluation. Christenson (2004) found that special educators felt excessive absences put a student at risk of missing academic instruction leading to a lack of appropriate instruction.

While educators are quick to look beyond the classroom context when referring a child

for special education evaluation, they do not often question their own instructional practices. To ensure that the lack of academic achievement is not due to inappropriate instruction, IDEA (2004) notes that any evaluation must ensure that (1) the child was provided appropriate instruction in regular education settings, delivered by qualified personnel and that (2) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to child's parents is conducted. Klinger and Edwards (2006) asserted that not enough attention has been focused on the role of the classroom teacher. The authors noted:

*By looking in a classroom, we can tell a great deal about teachers' instruction, the activity and the ways teachers and students interact. What do we notice about the nature of the relationship between a teacher and students? How are students supported? How does the teacher promote interest and motivation? With so much variability in teachers' knowledge, skills, and dispositions, it is unrealistic to assume that all teachers will be able to implement interventions in such a way that we can have confidence they are providing students with an adequate opportunity to learn" (p. 111).*

Fletcher and Navarrete (2003) also described the need for schools to explore interactions between the individual and the learning environment. The authors suggested that schools examine "in a holistic manner within which an individual lives and grows" (p. 37). This would encompass the home, school, social group and community, as well as any cultural practices that influence a student's ability to learn.

The process of ruling out poor instruction is perhaps best conceptualized through the recursive process of RTI (Flanagan, Ortiz, Alfonso & Dynda, 2006). As previously mentioned, RTI methods provide practitioners with the means to answer important questions crucial to the diagnosis of LD such as: Are learning difficulties directly related to ineffective instruction? When provided effective instruction do students respond to the interventions tried? The RTI model holds promise for preventing academic failure by ensuring that educators avoid a one-size fits all approach to instruction by monitoring the progress of all students so that extra support can be provided to those students not making adequate progress (Harry & Klinger, 2007).

Since there is a lack of a clear definition regarding environmental disadvantage, assessment personnel may wish to consider the following recommendations during the



evaluation process:

1. Conduct a clinical interview with the parent or guardian of the child.
2. Devise a checklist of activities that the assessment team needs to complete including parent/guardian interview, review of educational records, tracking past attendance, ascertaining free/reduce lunch eligibility, and querying for other family members with disabilities. This checklist needs to include supporting documentation in order to alleviate glossing over each area.
3. Observe the student and teacher interaction. Review instructional strategies and interventions tried with the student and ask the teacher to provide examples of progress monitoring.

### Limited English Proficiency

According to the Texas Education Agency (TEA; 2012), there are approximately 817,165 English Language Learners (ELLs) in Texas (456,051 are enrolled in a bilingual education program, and 310,812 are enrolled in an English as a Second Language program). Children who are ELLs should not be considered for special education services if their academic difficulties are a result of Limited English Proficiency (LEP) (TEA, 2010). The Commissioner's Rule §89.1225 states that all children whose home language survey indicates another language other than English is spoken in the home, must be administered a TEA-approved oral language proficiency test to measure listening and speaking and a TEA-approved norm-reference test to measure reading and writing (TEA, 2007). These baseline assessments serve as a starting measure of language proficiency.

The development of a second language acquisition takes time. The early stages of language acquisition often reveal characteristics similar to children with an SLD. Therefore, it is vital that educators understand the language acquisition states and are able to differentiate between the characteristics of language acquisition and LD. Two important stages of language acquisition include Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP). BICS takes approximately two years to develop, whereas, CALP takes approximately five to seven years. CALP is required in order to function efficiently in academic learning, which is necessary to be successful in content subjects (TEA, 2010). Consequently, an ELL learner should not be found to have an LD if language is the primary cause of underachievement (34 Code of Federal Regulations, §300.311(a)(6)).

Hamayan, Marler, Sanchez-Lopez, and Damico (2007) identify difficulty with assessment as the number one reason for misdiagnosis of ELL in Special Education. Biases influence assessment. Data gathering during the referral process may result in inaccurate assessment data. If not adequately chosen, standardized and normed-referenced tests can provide inaccurate results of ELLs' performance (Rhodes, Ochoa, & Ortiz, 2005). Some standardized and norm-referenced assessments characteristically represent surface level language structure, have validity concerns, are scored based on differentiation as opposed to interpretation, and emphasize weaknesses (Damico, 1991).

Evaluators lacking knowledge of second language learning biases in monolingual standardized and/or normed assessments evaluate using assessments that misrepresent ELLs' abilities (Genesee, Paradis, & Crago, 2004). Recent studies reveal that ELLs tend to search for words when the concept is understood and have error patterns and accuracy rates similar to same aged monolingual English speaking children with a specific learning disability (Ahlén, 2005 & Paradise, 2005). While similar difficulties of children with a specific learning disability may result from personal deficits such as neurological processing deficits, academic learning and language difficulties of ELLs may result from cultural and linguistic influences (Perkins, 2005). More accurate abilities are achieved when assessment tasks measure ability in both languages (Ascher, 1990). Evaluators must use assessment practices that rule out limited English proficiency as an exclusionary factor for English language learning children who demonstrate appropriate second language academic learning behaviors that appear similar to characteristics of a specific learning disability. Since many LEP students often experience disruption during their immigration experience, such as moving from school to school due to migration and because LEP students also come from different cultural backgrounds, consideration for exclusionary factors lack of educational opportunity and cultural factors must also be evaluated for exclusion consideration. Without appropriate consideration and documentation of language acquisition and adequate assessment practices, LEP students should not be qualified for special education services under SLD. The following recommendations should be considered during the assessment process:

1. Review and validate the Home Language Survey to determine the dominant language spoken at home.

2. Review the student's educational records to determine how long the student has been exposed to English and the types/quality of English instruction the student received.
3. Determine the student's Oral proficiency scores in native language and English.

### Ethical Implications

As schools place more emphasis on state-wide evaluations to assess the general population, assessment personnel are faced with the ethical dilemma of classifying students as LD, when a review of Exclusionary Factors have not been adequately considered. Consideration of Exclusionary Factors should be an important component of the RTI process. In the pre-referral process, school personnel must consider these factors to determine whether or not a student should be referred for a special education evaluation. At times it is easier for the referral team to overlook these factors and turn the request over to the diagnostician/LSSP for evaluation. At that point the evaluator must review the referral information and determine if any of the factors impacted the student's ability to learn and if so, whether appropriate remediation had been given so that a student may progress in school. Unfortunately, evaluators are frequently asked to look the other way when reviewing the child's home environment and the parents' educational backgrounds. In addition, evaluators are sometimes faced with the problem of poor teaching. These are both factors that are very difficult to approach professionally.

With pressure for academic success for all students coming from the state, school boards, district administrators, and campus principals, educators and assessment personnel are frequently asked to overlook exclusionary factors. If this happens, evaluators have two obvious options available. The first is to issue a Refusal to Evaluate and with this comes more pressure from the local campus. The second option is to move forward with evaluation, and then after reviewing all data with the multi-disciplinary team, evaluators are still responsible for determining eligibility after reviewing the Exclusionary Factors, which are printed on the eligibility statement.

With every evaluation conducted, evaluation personnel are challenged to use knowledge and professional ethics to determine LD eligibility. While assessment personnel are to consider and rule out the Exclusionary Factors, many are faced with the ethical dilemma to place or not to place a child in Special Education. This is the challenge that evaluators face



on a regular basis. This is the challenge that must be considered as assessment personnel move forward in the profession.

As a way to systematically investigate and document the consideration of Exclusionary Factors, the authors propose the use of the Exclusionary Factors Checklist (see attached) as part of the RTI and/or eligibility determination process. The checklist is organized according to each Exclusionary Factor and provides questions to consider when investigating each. This checklist is designed to ensure all factors have been adequately investigated and considered, and thus eliminated as the primary cause of learning difficulty.

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## Exclusionary Factors Checklist \*

Exclusionary Factor	Questions to Consider	Y/N	Primary Cause of Academic Difficulty?
<b>VISION</b>	Has the student had a history of difficulties with vision? Does the student wear glasses? If yes, does the student routinely wear glasses during instruction? Has the student complained about not being able to see? Did school nurse conduct a Near-Vision Screener? Did school nurse conduct a Far-Vision Screener? If yes, findings: _____ Did an ophthalmologist conduct a formal vision test? If yes, findings: _____ Vision difficulties observed? _____	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	YES or NO?
<b>HEARING</b>	Has the student had a history of difficulties with hearing (including chronic ear infections)? Does the student wear hearing aides/devices? If yes, does the student routinely wear hearing device during instruction? Has the student complained about not being able to hear? Did school nurse conduct a hearing screener? If yes, findings: _____ Did an audiologist conduct a formal hearing test? If yes, findings: _____ Has there been a determination between Auditory Discrimination and Hearing Difficulty?	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	YES or NO?

\* Stephens & Pethink, 2009

Exclusionary Factor	Questions to Consider	Y/N	Primary Cause of Academic Difficulty?
<b>MOTOR</b>	<p>Has the student had a history of motor difficulties?</p> <p>Does the student exhibit fine motor difficulties?</p> <p>If yes, please note difficulties: _____</p> <p>Does the student exhibit gross motor difficulties?</p> <p>If yes, please note difficulties: _____</p> <p>Improper pencil grip?</p> <p>Has the student been assessed by OT and/or PT?</p> <p>If yes, findings: _____</p> <p>Does student utilize motoric assistive devices?</p> <p>If yes, please list: _____</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	YES or NO?
<b>INTELLECTUAL DISABILITY</b>	<p>Does student exhibit sub-average intelligence (70 or below)?</p> <p>IQ Score: _____</p> <p>Updated IQ Testing? Date: _____</p> <p>Does student exhibit severe deficits in 2 or more adaptive behavior skills (communication, social, self-care)?</p> <p>If yes, please list: _____</p> <p>Updated assessment of adaptive behavior? Date? _____</p> <p>Does student exhibit severe deficits in academic achievement? (70 or below?) Which areas? _____</p> <p>Manifestation during developmental period?</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	YES or NO?
<b>EMOTIONAL DISTURBANCE</b>	<p>Does the student have a documented history of behavioral difficulties?</p> <p>Are the student's learning problems primarily the result of his/her behavior?</p> <p>Have behavioral interventions been tried and progress monitoring data collected?</p> <p>List interventions attempted: _____</p> <p>_____</p> <p>Updated psychological assessment?</p> <p>Date of assessment? _____</p> <p>Observations of behaviors in multiple settings?</p> <p>Findings? _____</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	YES or NO?



Exclusionary Factor	Questions to Consider	Y/N	Primary Cause of Academic Difficulty?
<b>ENVIRONMENTAL or ECONOMICALLY DISADVANTAGED</b>	<p>Do parents work multiple jobs and have limited time for involvement?</p> <p>How much access has the student had to educational resources and materials at home? <b>Minimal, Moderate or Extensive</b> (circle one)</p> <p>Does student have adequate access to health care and nutrition?</p> <p>Does student have appropriate monitoring and supervision at home (to include routine times for school work and academic learning)?</p> <p>Is the child exposed to a large number of at-risk factors (e.g., violence, crime, pollution, excessive number of people in the home, etc.)?</p> <p>Does student have adequate opportunities to participate in extracurricular activities (e.g., boy scouts, girl scouts, team sports, etc.)?</p> <p>Has student had adequate opportunity for educational experiences (trips to the museum, library, zoo, etc.)?</p> <p>Is there a history or current status of homelessness with student or family?</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	<p>YES or NO?</p>
<b>CULTURAL FACTORS</b>	<p>Are there conflicting educational and behavioral expectations for the student between school and family?</p> <p>Is the student new to the United States? If so, how long has he/she been in the United States? _____</p> <p>How long has student been exposed to the school system in the United States? _____</p> <p>Has there been miscommunication between parents and school due to cultural and/or ethical differences?</p> <p>Are parents less involved due to cultural and/or language barriers?</p> <p>Were previously administered standardized assessments validated taking into consideration the student's culture?</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	<p>YES or NO?</p>



Exclusionary Factor	Questions to Consider	Y/N	Primary Cause of Academic Difficulty?
<b>LIMITED ENGLISH PROFICIENCY</b>	<p>Dominant language spoken at home per Home Language Survey: _____</p> <p>Has someone validated the results of the Home Language Survey (e.g., interview with parents, home visit)? _____</p> <p>Oral Proficiency Score in native language _____ and English _____</p> <p>Is student currently in a bilingual program? _____</p> <p>If so, describe: _____</p> <p>Has the student received bilingual instruction in the past? _____</p> <p>If so, how long? _____</p> <p>Number of years exposed to English Instruction: _____</p> <p>Basic Interpersonal Communication Skills (BICS): _____</p> <p>Cognitive Academic Language Proficiency (CALP): _____</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	YES or NO?
<b>ADEQUATE INSTRUCTION IN READING AND MATH</b>	<p>Does the student have a documented history of excessive absences (to include tardies and school suspension)? _____</p> <p>Is there documented history of frequent mobility? (e.g., migrant workers, military families, etc.)? _____</p> <p>Is there documented history that the student has received instruction from highly qualified teachers? _____</p> <p>Has the school documented the use of research-based instructional strategies with student? _____</p> <p>Has students' response to instruction been documented through the collection of progress monitoring data? _____</p> <p>Has documentation been provided to show a strong match between grade level curricula and the student's skill level? _____</p>	<p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p> <p>Y/N</p>	YES or NO?

COMMENTS: