



# Utilizing Professional Judgment within the SLD Eligibility Determination Process: Guidelines for Educational Diagnosticians and ARD Committee Members

FEATURE ARTICLE

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Identifying students who are in need of receiving special education services is the most critical responsibility of assessment personnel and members of the Admission, Review, and Dismissal (ARD) committees. Eligibility for special education and the provision of services can significantly alter a student's educational future. Determining if a student's low achievement is the result of a specific learning disability (SLD) or other factors, requires knowledge, experience, and expertise in the areas of learning, assessment, and disability law (Council for Educational Diagnostic Services, 2007; Texas Administrative Code for Diagnosticians, 2008). Educational diagnosticians and ARD committee members play the central role in the special education eligibility determination process. Specifically, when determining eligibility, educational personnel must collect, analyze, and interpret multiple types of data from a variety of sources, while relying on knowledge obtained through professional training and experience.

For nearly three decades, traditional methods (e.g., simple difference model) used for determining whether a student had an SLD, over-emphasized mathematical approaches and over-relied on scores to determine

eligibility, requiring less emphasis on professional judgment and other factors (e.g., inadequate instruction, language, and environment). Specifically, if a student was struggling in the classroom and was evaluated for special education eligibility, the educational diagnostician would administer IQ and achievement tests and compare the scores. Consequently, if there was a 16-point discrepancy (criteria for Texas) between the student's full scale IQ standard score and an area of achievement, the student was determined eligible to receive special education services with SLD eligibility. Despite the technical inadequacy of the simple difference method (Baer, 2000; Fletcher, Denton, & Francis, 2005; Proctor & Prevatt, 2003), they were appealing to educators for a variety of reasons including the relative ease in making SLD determinations legally defensible, and the emphasis on eligibility versus informing instruction (Gresham, 2002; Kavale, 2005). These models required the use of some professional judgment, but did not require the more advanced employment of professional judgment as the focus of the evaluation now informs instruction as well as makes eligibility determinations.

The most recent legislative changes within special education law now require a greater emphasis on the use of professional judgment when making eligibility and instructional decisions. Therefore, the purpose of this article is three-fold: (1) to provide a review of the revisions made within the Individuals with Disabilities Education Improvement Act (IDEIA; 2004) with regards to SLD eligibility determination, (2) to review the definition of professional judgment, and (3) provide guidelines for educational personnel to follow when using professional judgment.

## Reauthorization of SLD Eligibility Determination

The 2004 Individuals with Disabilities Education Improvement Act (IDEIA; 2004) and subsequent regulations published in August 2006 have significantly changed the way students suspected of having specific learning disabilities (SLD) are identified and found eligible for special education. According to the 2006 IDEA regulations concerning SLD (§300.307), each state must adopt criteria for determining whether a child has a specific learning disability as

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defined by §300.8 (c)(10), which states the following: (1) Must not require the use of severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in §300.8 (c)(10); (2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability as defined in §300.8 (c)(10); (IDEA, 20 U.S.C. § 1414 (b)(6)(A).

State Education Agencies (SEAs) must use guidelines provided by the Federal government when developing regulations for Local education agencies (LEAs) to follow. With less emphasis being placed on the use of simple difference scores, and more emphasis being placed on identifying a child's strengths and weaknesses and their response to intervention, more confidence is being placed on professional judgment.

As LEAs are no longer required to use a severe discrepancy model when determining SLD eligibility, increased reliance will be placed on educational diagnosticians' knowledge and expertise in the areas of learning acquisition and special education law, in addition to the selection, administration, scoring, and interpretation of multiple forms of assessment. Eligibility criteria are no longer based on a simple score; instead, basis must be made through the analysis of multiple sources of data, the identification of strengths and weaknesses, and reliance on the educational diagnostician's and

committee members' professional judgment.

### Defining Professional Judgment

As we move toward the increased emphasis on the use of professional judgment within the SLD eligibility determination process, it is important to understand what *professional judgment* is and how diagnosticians and educators should incorporate it when making educational decisions regarding students. According to Schalock and Luckasson (2005), professional judgment is used to ensure best practices, and its use enhances the precision, accuracy, and integrity of the decisions made by the educational diagnostician. Additionally, Keyworth, States, and Detrich (2007) stated that professional judgment is often described by using the following terms: professional wisdom, clinical expertise, clinical decision making, clinical judgment, informed clinical interpretation, and clinical reasoning. Specifically, professional judgment consists of a complex set of behaviors, governed by individual learning histories and subject to complex contingencies (Keyworth, States, & Detrich, 2007). Similarly, Facione, Facione, and Giancarlo (1997) defined professional judgment as a reflective, self-corrective, purposeful thinking process which requires the professional to take into account content knowledge, context, evidence, methods, conceptualization, and a variety of criteria and standards of adequacy (p. 2).

While the federal IDEA regulations do not specifically describe professional judgment as part of SLD

identification, several state regulations have offered additional guidance (Schultz & Stephens, 2008). The regulations concerning SLD identification provided by the state of New Mexico offer the most comprehensive description of professional judgment. The New Mexico Public Education Department (NMPED) provides a description of the purpose of using professional judgment as a way of ensuring best practices are conducted. The New Mexico regulations provide the following definition of professional judgment (NMPED, 2007):

Professional judgment is a special type of judgment rooted in a high level of professional expertise and experience; it emerges directly from extensive data. It is based on the professionals' explicit training, direct experience with those with whom the professionals are working, and specific knowledge of the person and the person's environment. Competent professional judgment is based upon the specific strategies highlighted in the box below. Professional judgment is characterized by being: *systematic* (i.e., organized, sequential, and logical), *formal* (i.e., explicit and reasoned), and *transparent* (i.e., apparent and communicated clearly) (p. 27).

Similarly, this description of professional judgment was echoed in the Iowa Department of Education (2006) special education eligibility standards that described professional judgment as: "The reasoned application of clear guidelines to the specific data and circumstances related to each unique individual. Professional judgment adheres to high standards based

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on research and informed practices that are established by professional organizations or agencies (p. 17)."

Educators often refer to professional judgment in terms of "critical thinking" which is exercised in a practical and professional setting (Facione, Facione, & Giancarlo, 1997). Furthermore, professional judgment is ingrained within all professional standards and is a universally accepted component of professional skills (Keyworth, States, & Detrich, 2007). Simply put, everyone relies upon professional judgment when making important, well-thought out, evidence-based decisions.

### Development of Professional Judgment

An individual's professional judgment is only as good as his or her knowledge and experience in relation to the problems encountered. Consequently, poor thinking, limited knowledge base, and a lack of experience will result in imprecise decision making and outcomes. Such practices by educational diagnosticians and educators would be detrimental to the students for which educational decisions are being made. As a result, it is imperative that educational diagnosticians and other educational personnel be highly trained concerning educational law, instructional practices, assessment, and critical thinking skills. Additionally, educational diagnosticians must be knowledgeable in the theories of learning, well trained in assessment theory and practice, and skilled in the collection, analysis, interpretation, and

explanation of all the collected data. Furthermore, they must be able to converge, analyze, and interpret data in relation to the guidelines set forth within the special education rules and regulations. Figure 1 highlights the major components on which the professional judgment of educational diagnosticians is built.

### The Law and Professional Judgment

The movement away from the use of a discrepancy model for SLD eligibility determination has placed more emphasis on the use of educational diagnostician? professional judgment. Such changes have been specifically highlighted within several states?rules and regulations. The following guidelines are presented within the Texas Commissioner? Rules Guidance document. According to Texas interpretation:

The determination of SLD must be made through the use of professional judgment, including consideration of multiple information/data sources to support the eligibility determination. Information/data sources may include statewide assessment results, formal evaluation test scores (IQ; achievement; cognitive function/processing), RtI progress monitoring data, informal data (e.g. rating scales, student work samples, interviews) and anecdotal reports. Such information/data sources must include an observation of the child in the child's learning environment as related to the area of SLD (TEA, 2007).

Similarly, the state of Georgia's special education rules and regulations pertaining to SLD eligibility determination references the use of professional judgment. Georgia's rules and regulations state the following:

In order to determine the existence of a Specific Learning Disability, the group must summarize the multiple sources of evidence to conclude that the child exhibits a pattern of strengths and weaknesses, in performance, achievement, or both relative to age, state-approved grade level standards and intellectual development. Ultimately, specific learning disability is determined through professional judgment using multiple supporting evidences (Georgia Department of Education, 2007).

As previously mentioned, New Mexico's Public Education Department (2007) provides the most comprehensive definition of professional judgment. New Mexico characterized professional judgment in terms of decisions being: *systematic* (i.e., organized, sequential, and logical), *formal* (i.e., explicit and reasoned), and *transparent* (i.e., apparent and communicated clearly) (p. 27).

### Guidelines for Employing Professional Judgment

Professional judgment, when utilized by educational diagnosticians, is an essential component of identifying best practices in learning, assessment and eligibility. Since professional judgment enhances the accuracy of decision making in complex situations involving eligibility, classifica-

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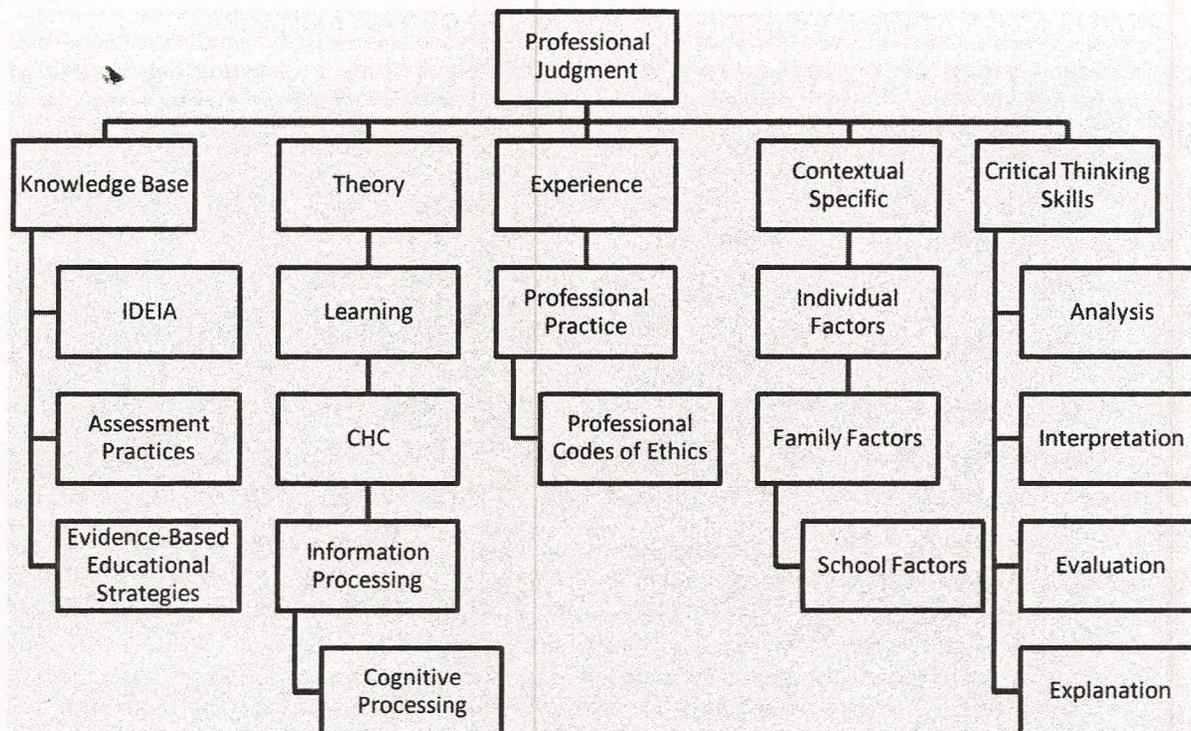


Figure 1. Major Components of Building Professional Judgment of Educational Diagnosticians

tion, and evidence-based practices (Schalock & Luckasson, 2005), it is vital that educational diagnosticians be confident in their ability to converge knowledge, theory, experience, contextual factors, and critical thinking skills when determining SLD eligibility. Guidelines presented by Schalock and Luckasson (2005), and also highlighted within the NMPED regulations (2007, p. 27), include six strategies educational personnel should follow in order to ensure competent professional judgment practices when considering eligibility for SLD. The six strategies are as follows:

1. Conducting a thorough social history
2. Aligning data and its collection to the critical question(s) at hand

3. Applying broad-based assessment strategies
4. Implementing intervention best practices
5. Planning, implementing and evaluating supports
6. Reflecting cultural competence and diversity

Table 1 includes each of the six strategies listed above and provides guidelines for educational diagnosticians to follow for meeting the requirements of each strategy.

Educational diagnosticians and members of the ARD committee should employ professional judgment at every decision point beginning from the initial referral question to the question of eligibility. These important decisions such as determining fidelity of general education instruc-

tion prior to referral and ultimately the eligibility decision should be based on reliable and valid data collected throughout the process. The diagnostician must be confident that the data collectively identifies a pattern consistent with the definition of SLD. This can be accomplished by utilizing a multi-dimensional assessment process (Dehn, 2006), using multiple sources of data, guided by professional judgment. When using this method, the convergence of reliable and valid data analyzed will help educational diagnosticians and ARD committees make decisions that are accurate, pedagogically sound, and legally defensible.

With the major changes regarding SLD eligibility determination and the emphasis being placed on the use of professional judgment, some educational diagnosticians may feel the

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# Utilizing Professional Judgment within the SLD Eligibility Determination Process (Continued)

**Table 1. Guidelines for Employing Professional Judgment (Clinical Judgment)**

**Strategies and Guidelines**

**Conduct a thorough social history**

- Be familiar with current legal findings
- Investigate, collect, and organize all relevant data covering student's life stages
- Obtain information from the individual, teacher, parents, and other pertinent sources
- Identify educational experiences or lack thereof
- Identify differences in data findings and investigate and address possibilities for differences

**Align data and its collection to the critical question(s) at hand**

- Develop a focused referral question (FRQ) and align data with FRQ
- Converge data and analyze findings for patterns and weaknesses
- Use evidence-based knowledge to incorporate current measures and strategies
- Assess and increase competence in professional judgment (e.g., additional training)

**Applying broad-based assessment strategies**

- Incorporate a broad evaluative strategy
- Use multiple sources of data within evaluation process(should this be moved one down?)
- Use a variety of formal, informal, and formative assessments.
- Consider treatment validity when assessing.
- Link assessment to instruction or intervention

**Implementing intervention best practices**

- Integrate the results of the analyses into the selection of clearly stated intervention strategies
- Provide appropriate training and integrity checks of intervention implementation
- Conduct progress monitoring to determine response to instruction

**Planning, implementing, and evaluating supports**

- Utilize a problem-solving model with progress monitoring to evaluate programming.
- Consider relevant individual, family, and school factors.

**Reflecting cultural competence and diversity**

- Follow all legal and regulatory requirements for nonbiased assessments.
- Be sensitive to culturally diverse populations when selecting assessment instruments.

(Adapted from Schalock & Luckasson, 2005)

need to obtain additional training in the areas of special education law, assessment practices, and the convergence and interpretation of data. For those who wish to enhance their professional judgment, the following are recommended:

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| <ul style="list-style-type: none"> <li>• Enroll in university assessment courses to gain a refresher and updates on new assessment practices.</li> </ul> | <ul style="list-style-type: none"> <li>• Join and become actively involved within professional organizations (e.g., TEDA, MetroWest, and TCEC).</li> <li>• Attend workshops covering assessment and/or special education law.</li> <li>• Keep up with recent research by reading professional educational journals.</li> </ul> | <ul style="list-style-type: none"> <li>• Attend professional conferences locally and nationally.</li> <li>• Engage in district book studies.</li> <li>• Use a peer review process when determining eligibility.</li> <li>• Collaborate with more experienced assessment and educational personnel.</li> </ul> |
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