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# The application of the specific learning disability exclusionary clause as practiced by Virginia school psychologists

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The Application of the Specific Learning Disability Exclusionary Clause as Practiced by  
Virginia School Psychologists

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A research project submitted to the Graduate Faculty of

JAMES MADISON UNIVERSITY

In

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## Abstract

When special education eligibility is being determined under Specific Learning Disability, the exclusionary clause needs to be carefully considered. The current study was concerned with the exclusions of cultural factors, environmental or economic disadvantage, and limited English proficiency. The study used a semi-structured interview to explore when and how the exclusionary clause is considered by school psychologists in Virginia and what type of impact it has on eligibility decisions. Ten school psychologists were contacted via the email database of the Virginia Department of Education and completed a phone interview. Grounded theory was used to investigate the themes and ideas regarding the research questions: 1) What are the current practices of Virginia school psychologists when considering the Specific Learning Disability exclusionary clause? 2) How do Virginia school psychologists define the intent of the law when considering the Specific Learning Disability exclusionary clause and do their current practices fulfill that intent? 3) Do Virginia school psychologists believe there is a relationship between the practices used to discuss the Specific Learning Disability exclusionary clause and its legitimacy? 4) What current interventions, if any, are being used to address the Specific Learning Disability exclusionary clause factors of socioeconomic/environmental disadvantage, cultural factors, or English as a second language? Overall results imply the clause should be discussed, and this discussion should take place during Child Study as well as Eligibility. There is a need for further definitions of the exclusionary factors through criteria sheets or other means. School districts should consider training for school personnel, especially teachers, as far as the exclusionary clause factors and the impact on students. School psychologists would

benefit from being more involved in Response to Intervention and allowing the factors to shape their interventions. School psychologists need to continue to identify specific needs and advocate for those needs.

The Application of the Specific Learning Disability Exclusionary Clause as Practiced by  
Virginia School Psychologists

When special education eligibility is determined under Specific Learning Disability, the exclusionary clause needs to be carefully considered. To qualify for special education under the category of Specific Learning Disability, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) includes an exclusionary clause which lists factors that must be considered prior to identifying a child as having a Specific Learning Disability. The exclusions being examined are “cultural factors,” “environmental or economic disadvantage,” and “limited English proficiency” (IDEA, 34 C.F.R. 300.309(a)(1), 2004). The attentive consideration of factors outside of the education system may help inform the interventions used and result in the appropriate identification of students with learning disabilities. Examining when and how the exclusionary clause is considered, what type of impact it has on eligibility decisions, and what interventions, if any, are currently being used could be important pieces in future understanding of best practice when discussing the Specific Learning Disability exclusionary clause.

### **School Psychology**

According to the National Association of School Psychologists (2010), school psychologists are mental health professionals who are trained in both psychology and education. They provide services to students in school to support their academic, behavioral, social, and emotional needs. School psychologists can assess these needs through assessment and data collection as a component in determining if a child may qualify for special education or need other services provided through government policy,

such as IDEA 2004 or Section 504, Rehabilitation Act of 1973 (Section 504, 29 U.S.C. § 701, 1973). IDEA 2004 is a law that protects and guarantees services for children with disabilities throughout the United States. The purpose of the law is to provide free and appropriate public education to students who are identified as having disabilities and need specifically designed instruction. IDEA 2004 provides early intervention services from birth to two years of age through Part C and special education and related services from three to twenty-one years of age through Part B (IDEA, 20 U.S.C. § 1400, 2004).

### **Special Education**

Special education is defined as “specially designed instruction at no cost to parents, to meet the unique needs of a child with a disability” (IDEA, 602 U.S.C. § 29, 2004). According to the National Center for Education Statistics (n.d.), 6,464,096 children, enrolled in public school from prekindergarten through twelfth grade, or 12.9%, were receiving specifically designed instruction under special education during the 2013-2014 academic year.

Students who qualify for special education are found eligible through categorization under a disability or multiple disabilities such as having a Hearing Impairment, Speech or Language Impairment, Visual Impairment, Autism, or Specific Learning Disability (IDEA, 602 U.S.C. § 3, 2004). The current study is particularly interested in special education eligibility decisions under the category of Specific Learning Disability when considering the exclusionary clause stated in IDEA 2004.

### **Specific Learning Disability**

The special education category of Specific Learning Disability is a disorder in one or more psychological processes, which are involved in understanding and/or using

language. A Specific Learning Disability can affect reading, writing, and/or mathematics (IDEA, 602 U.S.C. § 30, 2004). Specific Learning Disability is a high-incidence disability (Boon & Spencer, 2010). According to the National Center for Education Statistics (2016), 35% of those served under special education were receiving specifically designed instruction under the category of Specific Learning Disability during the 2013-14 academic year. For students age three to twenty-one, about 6.5 million children were categorized as having a Specific Learning Disability, which was the largest category.

### **Exclusionary Clause**

To qualify for special education under the category Specific Learning Disability, IDEA 2004 has an exclusionary clause that states factors that must be considered prior to identifying a child as having a Specific Learning Disability. The exclusions being investigated are “cultural factors,” “environmental or economic disadvantage,” and “limited English proficiency” (IDEA, 34 C.F.R. 300.309(a)(1), 2004). Documentation is needed to decide if a child is eligible for special education under the category of Specific Learning Disability, and this must include “a statement of... [t]he determination of the group concerning the effects of [the factors mentioned] on the child’s achievement level” (IDEA, 34 C.F.R. 300.311(a)(6), 2004). As stated previously, the purpose of IDEA 2004 is to provide free and appropriate public education to students who are identified as having disabilities and need specifically designed instruction (IDEA, 20 U.S.C. § 1400, 2004). To provide the appropriate services, students being considered for eligibility under the category of Specific Learning Disability need to be identified correctly.

Harris, Gray, Davis, Zaremba, and Argulewicz (1988) investigated a sample of public school psychologists’ compliance with Section 4 of the Specific Learning

Disability exclusionary clause. This study investigated the Education for All Handicapped Children Act of 1975, which was later replaced by IDEA 2004. The study stated that 40% of the school psychologists reported “compliance,” 38% reported “purposeful noncompliance,” and 10% reported “inconsistent compliance.” Of the school psychologists that complied, they considered a variety of factors such as primary language, developmental history, social history, the number of absences, and the family’s values. The results showed that few students were found ineligible for special education under Specific Learning Disability even after considering certain factors. When the exclusionary clause is not followed properly and the factors are not discussed fully, students can be disproportionately placed in special education under the category of Specific Learning Disability.

### **Disproportionality**

Disproportionality of minorities in special education, in general, is a current concern in the academic community. Oswald, Coutinho, Best, and Singh (1999) defined disproportionality as the over- or underrepresentation in special education disability categories due to membership in a given racial group. This definition has expanded to include not only racial and ethnic minorities but also those who speak English as their second language and those who are of low socioeconomic status (Shifrer, Muller, & Callahan, 2011).

### **Disproportionality in Special Education**

Sullivan and Artiles (2011) explored general and special education enrollment data for the 2004-2005 academic year from the Arizona Department of Education 2005 annual reports. The demographics included were White, Black, Latino, Native American,

and Asian students. The research team investigated the relationship between race/ethnicity and placement into special education under IDEA categories such as Specific Learning Disability, Speech/Language Impairment, Emotional Disability, Autism Spectrum Disorder, Intellectual Disability, Multiple Disabilities, and Other Health Impairment. They also investigated the correlation between free and reduced lunch and disproportionality.

The sample was 943,369 students with the demographics of 48% White, 39% Latino, 5.5% Native American, 5% Black, 2% Asian, and 44% receiving or eligible for free and reduced lunch. The results indicated that in general Black (13.95%) and Native American students (14.43%) were at the greatest risk of being identified as having a disability. Latino students were equally likely to be identified with disabilities as White students while Asian students were underrepresented. Native American students had an elevated relative risk for being identified as having a disability in several categories including Specific Learning Disability and Intellectual Disability. Black students were more likely to be identified as having an Intellectual Disability.

Latino and Native American students receiving free and reduced lunch were at an elevated relative risk for being identified as having a disability in high-incidence categories, such as Specific Learning Disability or Intellectual Disability. Black students receiving free and reduced lunch were elevated for being identified as having an Intellectual Disability. Free and reduced lunch was a significant predictor in the regression analysis concerning the relative risk for Black students to be identified as having a Specific Learning Disability and being placed in special education overall. Not only was race/ethnicity a factor in being found eligible for special education under certain

categories such as Specific Learning Disability but also socioeconomic status compounded the likelihood of eligibility for special education in most instances. When discussing factors that could be affecting a student's academic abilities, both race/ethnicity and socioeconomic status should be considered.

### **Disproportionality in Specific Learning Disability**

Shifrer, Muller, and Callahan (2011) researched the disproportionality of learning disability identification among disadvantaged sociodemographic subgroups. Data from the Education Longitudinal Study of 2002 was used which included 16,000 students in 750 schools (Ingels et al., 2007). They investigated 10<sup>th</sup> graders who had been diagnosed as having a Specific Learning Disability and given an Individualized Education Plan. The information gathered included race/ethnicity, language, and socioeconomic status. Socioeconomic status was measured by several factors including highest parental education, family income and structure, number of siblings, family resources (both cognitive and material), and the student's early academic history (participation in preschool or Head Start).

As for the results, non-native English speakers were 12% of the sample but represented 15% of those identified as having a Specific Learning Disability. The likelihood of being identified as having a Specific Learning Disability was 1.43 times greater for Black students, 1.49 times greater for Hispanic students, and 1.56 times greater for Native American students when compared to White students. When controlling for socioeconomic status via parental education level and family income, all significant effects due to race/ethnicity were explained. This implied that socioeconomic status was an influencing factor in the likelihood of being identified as having a Specific

Learning Disability. This information further highlights the need for discussion of the factors of environmental and socioeconomic disadvantage.

### **School Readiness**

According to the Virginia Department of Education (2017a), school readiness refers to how prepared children are to succeed in the kindergarten classroom. The skills needed include but are not limited to labeling objects, recognizing shapes, counting, interacting with books, identifying letters, conveying needs, and building relationships. When a child enters school without these building blocks, that child must spend time learning those skills instead of strengthening them further or adding new skills. Many factors can affect school readiness including growing up in a house with different cultural priorities, environmental or economic disadvantage, and parents who themselves have limited English proficiency (Brooks-Gunn & Markman, 2005; Forget-Dubois et al., 2009; Ryan, Fauth, & Brooks-Gunn, 2006). These factors can also impact academic achievement overall (Wei, Lenz, and Blackorby, 2012; McCoach, O'Connell, Reis, and Levitt, 2006).

### **Math Achievement Gap**

How can the exclusionary clause factors of race/ethnicity and socioeconomic status affect academic achievement? Wei, Lenz, and Blackorby (2012) investigated math growth trajectories of students while focusing on race/ethnicity and socioeconomic status. They used the Special Education Elementary Longitudinal Study (SEELS) database, a nationally representative sample of students identified as having disabilities under special education. The sample consisted of 11,512 students, age seven to 17, that were selected for this database in 1991.

Math achievement was assessed using the Applied Problems and Calculations subtests from the Woodcock-Johnson Tests of Achievement, Third Edition. For the Applied Problems subtest, students were orally presented with story problems and would read along as well. They needed to comprehend what was stated, analyze the situation, and recognize how to solve the problem. The subtest included items such as identifying numbers, telling time, counting items, as well as adding, subtracting, multiplying, and/or dividing numbers. The Calculations subtest consisted of calculation problems used to measure a student's computation skills. These ranged in difficulty from basic operations to more complicated mathematics such as geometry or calculus. The data included 12 disability categories under IDEA 2004.

This study analyzed information about race/ethnicity and socioeconomic status regarding the mother and father's education level and family income. They also investigated how these factors were associated with math achievement level and how math ability changed over time (growth rates). Black students identified as having disabilities had significantly lower scores than White students identified as having disabilities on both measures. Over time, the significant difference between Black and White students did not change, though both showed changes in growth rate. Hispanic students identified as having disabilities had significantly lower scores on applied problems than White students identified as having disabilities. Hispanic and White students identified as having disabilities performed similarly on the Calculation subtest, but the performance gap between White and Hispanic students concerning math growth for calculation widened over time. The mother's education level and family income positively correlated with math achievement level, while the father's education level was

positively associated with a higher acceleration on calculation scores. These results indicated a relationship between race/ethnicity and socioeconomic status in affecting mathematic academic ability growth over time. These exclusionary clause factors should be properly discussed because of the impact they can have on a child's growth in mathematics skills.

### **Reading Achievement Gap**

What impact can race/ethnicity and socioeconomic status have on academic growth in reading? McCoach, O'Connell, Reis, and Levitt (2006) investigated the achievement gap between those who struggle with reading and those who do not and whether that achievement gap changes as students learn to read. They used longitudinal data from the kindergarten cohort of the Early Childhood Longitudinal Study looking at data surrounding reading growth (National Center for Education Statistics, 1998). The data was collected using the Peabody Individual Achievement Test-Revised; the Peabody Picture Vocabulary Test, Third Edition; the Primary Test of Cognitive Skills; and the Woodcock-Johnson Psychoeducational Battery-Revised. 8,089 kindergarten and first-grade students were administered the assessments in the fall and spring. The study investigated the effect of student variables such as socioeconomic status and race/ethnicity on reading growth and compared them to the effect of school variables such as the percentage of minority students and students who qualify for free and reduced lunch. The student variables explained more of the variance (70%) than school variables (19.4%), while socioeconomic status did not impact reading growth during school but had a larger impact during the summer. These results indicated that a student's race/ethnicity and socioeconomic status can impact reading growth, but socioeconomic

status has the most impact during the summer months in between schooling. Overall, the exclusionary clause factors of culture and socioeconomic status should be discussed to ascertain if a student's difficulties are stemming from the environment or from an actual learning disability.

### **Virginia and Specific Learning Disability**

The Virginia Department of Education (2017b) encourages a thorough examination of students' files when they are found to be eligible for special education. This examination is to determine the amount of disproportionate representation of minorities that could result from improper identification. Once a school division has been determined by the Virginia Department of Education to have significant disproportionality of minorities in special education, that school division is required to use funding to address the disproportionality with activities approved by the department (Wright, 2013).

According to the Virginia Department of Education (2016-2017a; 2016-2017b) for the 2016-17 academic year, 54,673 students were categorized as having a Specific Learning Disability, which was calculated to be 32.45% when compared to the total number of students in special education in Virginia which was 168,471. Of those identified as having a Specific Learning Disability, 17.58% were Limited English Proficient or 9,611 students. One way to investigate possible disproportionality is percentages of students from different groups (sex, race/ethnicity, etcetera) and comparing the similarities and differences (Roy, 2012). 3.72% of White students, 5.59% of Black students, 5.42% of Hispanic students, 3.57% of students who identified as two or more races, 1.56% of Asian students, 1.76% of American Indian/Alaska Native, and

9.58% of Native Hawaiian/Pacific Islander students were identified as having a Specific Learning Disability. The previous percentages have no statistical significance attached but portray the need for the investigation into the practices surrounding a student's eligibility for special education under the category of Specific Learning Disability (Virginia Department of Education, 2016-2017a & 2016-2017b).

Of those identified as having a Specific Learning Disability, 52.29% were considered economically disadvantaged (28,591). To investigate the relationship between economic disadvantage and being identified as having a learning disability, the number of disadvantaged students was compared to the total number of students. 37.85% of White students, 69.01% of Black students, 62.62% of Hispanic students, 31.11% of Asian students, 49.92% of students who identified as two or more races, and 43.92% of American Indian/Alaska Native students with Specific Learning Disabilities were identified as disadvantaged (Virginia Department of Education, 2016-2017a & 2016-2017b). Investigating the practices surrounding a student's eligibility for special education under the category of Specific Learning Disability may give us insight into interventions for students who are socioeconomically disadvantaged and may or may not have a learning disability.

### **Using Interventions**

When a student is being considered for the category of Specific Learning Disability, what can we do to better understand that students strengths and needs? Many schools across the country, including Virginia, are implementing Response to Intervention also known as Multi-Tiered Systems of Support. According to the Virginia Department of Education (2017c), Response to Intervention (RTI) is centered on the

student and involves using research-based interventions to identify and meet the needs of students with academic difficulties, such as reading below grade level or a weakness in multiplication. The Virginia Department of Education first launched the statewide use of RTI in 2007.

Shapiro (2009) wrote a supplemental guide for Virginia schools that detailed information about RTI. Generally, schools that utilize RTI will use a universal screener to identify students who may need support in reading and math and create groups based on certain expectations (such as cut-off scores). Students in Tier 1 are meeting or exceeding expectations; students in Tier 2 are below expectations and need some support; students in Tier 3 need more intense support. The students who still need support are considered for Special Education. Schools will monitor a student's performance and move the student into different tiers of services based on that performance. If used correctly, this method can help identify students with learning disabilities because of the past interventions have been implementing. The data can be used as a support when placing a student under the category of Specific Learning Disability.

There are two questions that remain. What types of interventions are being implemented in schools using Response to Intervention? How are these interventions impacting students? Cultural differences, learning English as a second language, living in an environment such as low socioeconomic status could be impacting students' academics and should be properly considered as an important piece of the eligibility process for the category of Specific Learning Disability.

### **Purpose of this Study**

The purpose of this study was to investigate the practices of Virginia school psychologists when discussing the Specific Learning Disability exclusionary clause. Close attention to the exclusionary clause may help with the appropriate identification of students with learning disabilities as well as finding the best interventions to meet students' needs through careful reflection on cultural, language, and environmental/socioeconomic factors. Clarification of current practice may improve legitimate consideration of the exclusionary clause and lead to an investigation of alternative practices to further the clause's legitimacy.

### **Lack of Research**

Kipps-Vaughan, Jones, and Henderson (2016) wrote an article concerned about the discussion of economic and environmental factors during eligibility decisions for Specific Learning Disability. These stated concerns led to questions about current practices surrounding the Specific Learning Disability exclusionary clause and a search for current research. Using the American Psychological Association (2017) PsychNet search engine, the key search term "exclusionary clause" led to eighteen results. Twelve research articles focused on emotional and behavioral disorders; one was related to the medical field, and another was focused on examining the moral dilemma of child abuse in identifying a child for a Specific Learning Disability. "Exclusionary clause" and "IDEA" lead to one search result with emotional and behavioral concerns as the topic. "Exclusionary clause" and "Specific Learning Disability" lead to one result: the article about the moral dilemma. Only three articles, two written prior to the year 2000, were related to the investigation of the Specific Learning Disability exclusionary clause and

did not specifically concern identifying main themes for an investigation into the practices of school psychologists when discussing the Specific Learning Disability exclusionary clause.

### **Research Questions**

For the purpose of this study, the following questions will be addressed:

1. What are the current practices of Virginia school psychologists when considering the Specific Learning Disability exclusionary clause?
2. How do Virginia school psychologists define the intent of the law when considering the Specific Learning Disability exclusionary clause and do their current practices fulfill that intent?
3. Do Virginia school psychologists believe there is a relationship between the practices used to discuss the Specific Learning Disability exclusionary clause and its legitimacy?
4. What current interventions, if any, are being used to address the Specific Learning Disability exclusionary clause factors of socioeconomic/environmental disadvantage, cultural factors, or English as a second language?

### **Methods**

#### **Participants**

Participants included 10 Virginia school psychologists from different public-school districts across the state. This was a sample of convenience. The researcher contacted previous practicum and internship supervisors over the past three years who have worked with James Madison University's School Psychology program as well as school psychologists listed in the Virginia Department of Education database. This was to

ensure representation of school psychologists across Virginia. The qualifications for the study included being an actively practicing school psychologist in the state of Virginia and having first-hand experience with the Specific Learning Disability exclusionary clause.

The 10 participants were chosen from 17 email responses. The participants were selected through the convenience of availability as well as representation of school districts throughout Virginia. Four of the 17 were from the same school district as other participants, leading to disqualification from participation. The researcher used the eight regions of Virginia as defined by the Demographics Research Group (2017). This was to ensure representation across the state: Central, West Central, Southside, Hampton Roads, Eastern, Southwest, Northern, and Valley. Six regions were represented including West Central, Southside, Hampton Roads, Southwest, and Northern. It should be stated that participation may be skewed due to limited responses and could suggest prior interest in the topic of the Specific Learning Disability exclusionary clause.

The majority of the participants were female (Female = 8, Male = 2) with a range from four to 38 years as practicing school psychologists ( $M = 17.30$ ,  $SD = 9.41$ ) and a range from two to 25 years working at their current district ( $M = 13.10$ ,  $SD = 8.49$ ). The majority of participants worked in elementary schools (four in elementary, two in elementary and high school, one in elementary and middle school, one in elementary and early childhood, one in high school, and one with all ages). The student to school psychologist ratio ranged from 1,000:1 to 3,000:1 ( $M = 2,177.20$ ,  $SD = 686.52$ ). The participants were asked to estimate their number of assessments per year, number of students who receive free and reduced lunch, and number of students who were learning

English as a Second language (ESL students). The estimated average of assessments per year ranged from 45 to 150 assessments ( $M = 91.5$ ,  $SD = 35.83$ ). Students receiving free and reduced lunch range from 50% to 100%, with five participants mentioning 75% or higher and two having schools with 100%. ESL students were estimated at a range of less than one percent to over 50%, with four participants 30% or above and two at 50% or above.

### **Materials**

Participants were invited to participate in phone interviews over email (Appendix A). The interested participants were interviewed after giving verbal consent over the phone (Appendix B). The interview consisted of twenty-five questions and focused on the practices surrounding the Specific Learning Disability exclusionary clause to understand the similarities and differences of practicing school psychologists in Virginia (Appendix C). The interview followed a semi-structured, open-ended format to allow the interviewer to understand the experience of the interviewee and encourage free expressions of the interviewee's thoughts and feelings.

### **Procedure**

Participants were recruited through association with James Madison University's School Psychology program, specifically, past practicum and internship supervisors as well as school psychologists from the Virginia Department of Education database. Possible participants were contacted via email (Appendix A). Individual interviews were conducted one-on-one over the phone. Before participating in the interview, the school psychologists gave verbal consent over the phone (Appendix B). Verbal consent was obtained from all participants, who did so voluntarily and without compensation. The

content was recorded in writing during the interview between the researcher and participant. For purposes of confidentiality for the interview notes, the school psychologists who participated in the interview were assigned numbers. The assigned number was written on the notes from the interview. The interviews were stored in a secure location separately from the verbal consent forms, which were placed in a lockbox accessible only to the researcher.

### **Design**

Given the lack of research regarding the practices surrounding the Specific Learning Disability exclusionary clause, the qualitative research method of grounded theory as well as descriptive statistics were used. These methods were implemented to explore the observations and experiences of Virginia school psychologists. Mill and Birks (2014) define the grounded as a qualitative research method that uses data to produce a theory about a little-known phenomenon.

When analyzing the qualitative data from the interview content, the three steps for a grounded theory approach suggested by Corbin and Strauss (1990) were used for exploration of the practices of the participants. The first stage involved scanning the content collected from the interviews to obtain a broad understanding. The second stage involved identifying common themes, categories, or frequently expressed ideas from the provided information. This stage was completed using the cut and sort method (Taylor-Powell & Renner, 2003). Similar ideas were clustered together and reported. This involved the researcher typing and printing the responses and color-coding phrases based on similar ideas. The researcher cut and sorted these color-coded phrases into separate piles based on frequently expressed themes. Some of the responses included more than

one theme or idea, the researcher decided that one response could be sorted into multiple categories. The third step involved manually coding the content. Descriptive statistics were also analyzed to better understand the participants' backgrounds as well as their current school districts.

Interview questions one through seven centered on specific demographics related to the school psychologist and the schools he or she served. Research question one was investigated using interview questions eight through 11, 13, 16, 18, 20, and 21. Research question two was investigated using 13 through 15, 17, 20, and 21. Research question three was investigated using interview questions nine, 11, 13, 14, and 19 through 24. Research question four was investigated using interview questions eight, nine, 12, 14, 16, 19, and 22 through 25.

## **Results**

### **Research Question One: Current Practices**

This study's first research question entailed: "What are the current practices of Virginia school psychologists when considering the Specific Learning Disability exclusionary clause?" To explore current practices, the participating Virginia school psychologists were asked questions encompassing the clause. These questions included information about Response to Intervention, when the clause is being discussed and who is taking part, how the clause is discussed, and the importance of the clause.

**RTI.** When asked, "Does your district use the Response to Intervention Framework?" many participants' schools use Response to Intervention as part of the criteria for Specific Learning Disability. Nine out of 10 participants (90%) stated that they use RTI. Four participants stated they used RTI consistently (40%), five discussed

the partial use of RTI (50%), and one stated it was not being used (10%), stating it previously “was not implemented correctly, leading to too many false positives.” Responses classified as partial discussed lack of “fidelity,” being “in the works” or “rolled out,” and using the data “when possible” or “on occasion” (Appendix D, Table 8).

The participants who use RTI were asked, “Is the data used as part of Specific Learning Disability Child Study/ Eligibility Decisions?” Two participants use the data during Child Study or Pre-referral meetings (20%), three use the data during Eligibility meetings (30%), and four use the data during both Child Study or Pre-referral and Eligibility meetings (40%). Several participants gave more information about the Specific Learning Disability criteria for their districts. Four participants (40%) discussed using “processing strengths and weaknesses” with three (30%) noting Cross-Battery Assessment and one (10%) also highlighting the Cultural Language Matrix. Two participants (20%) discussed “discrepancy” as well (Appendix D, Table 8).

**Exclusionary Clause.** To gain more information about the practices specifically related to the exclusionary clause, participants were asked, “When do you discuss the SLD exclusionary clause in your school building?” Four participants (40%) stated they discuss the clause at the end of Eligibility meetings. One of these four participants did note, “The exclusionary clause was not discussed before I worked here.” Six participants (60%) discuss the exclusionary clause during both Child Study and Eligibility (Appendix D, Table 9).

The participants were also asked, “Who usually takes part in this discussion?” (Appendix D, Table 10). Both Eligibility and Child Study meetings were discussed. Eight of the participants (80%) focused on Eligibility meetings, while two (20%) focused on

Child Study meetings. Nine out of 10 participants (90%) identified themselves as being part of the meeting with one stating the school psychologist “leads the discussion.” Also, the one school psychologist (10%) who did not identify school psychologists as part of the meeting stated, “The school psychologists want to be at these [Child Study] meetings but can’t due to time constraints.” Three out of 10 participants (30%) identified administration as part of these meetings. Two participants (20%) discussed the use of interpreters “when appropriate” or “depending on the case,” and two other participants (20%) talked about specialists “such as OT [occupational therapist] or PT [physical therapist]” and “speech [pathologist].” Four participants (40%) discussed other individuals who could take part in the discussion such as chairperson, general education teachers, special education coordinators, parents, or “others as necessary.”

Participants discussed social workers at length. Eight out of 10 participants (80%) stated that a social worker was part of these discussions. Four participants (40%) pointedly discussed the pairing of the school psychologist and social worker with the phrases, “work as a team,” “both have information,” “lead these discussions,” and “may discuss it [the clause] with the social worker before the meeting.” Using information from Appendix D Table 9, 11, 16, 20 and 21, three participants (30%) highlighted the importance of the sociocultural report or social history. One participant stated, “[t]he social worker’s social history is very important” as it “lists potential problematic factors.” The second stated “the sociocultural report...table...goes through the different factors.” The third participant’s phrase was “talking about social history, the impact of that.”

***Factors of interest.*** To gain information surrounding the factors specific to this study, the participants were asked, “How does your school building discuss the

exclusionary clause factors of socioeconomic/environmental disadvantage, culture, and ESL?” Nine out of 10 participants (90%) discuss the exclusionary clause consistently. One participant (10%) noted, “The factors are seldom discussed” (Appendix D, Table 11).

*Worksheets.* Four participants (40%) noted the use of worksheets or forms for the exclusionary clause discussion (Appendix D, Tables 9, 10, 11 & 13). These forms are in addition to the criteria sheet used during Eligibility. The first participant stated, “The teachers do fill out a form prior to referral. This form is part of a file review where they look at things like absences, transfers, environment, language.” Selected quotes from the second participant include: “We have an exclusionary clause worksheet to use during these meetings” and “The worksheet was created because our initial hit rate was bad. This information will hopefully bring down our number of assessments and lead to correct placement.” The third participant said, “We’ve created forms. We are slowly changing the mindset and teach that prior to the meeting we need data.” The fourth participant stated, “We have screeners to look at these factors.”

*Socioeconomic/environmental disadvantage.* Based on the information provided, the first factor of interest was broken into two pieces: socioeconomic disadvantage and environmental disadvantage. The information provided was gathered from Appendix D, Table 11. For the first piece, seven out of 10 participants (70%) mentioned ideas related to socioeconomic disadvantage using phrases such as “homelessness,” “food, running water,” “many of our students are living in poverty,” “are they living in a car, shelter, apartment?” As far as environmental disadvantage, the focus included moves, trauma, and appropriate education. Three participants (30%) talked about moves or transfers.

Example of quotes include, “[i]f a student has just moved, we don’t refer for special education” and “how long they’ve been stable: a year versus just moved.” Five out of 10 participants (50%) discussed trauma with phrases such as, “looking at ACES and talking about the impact” and “[t]rauma, talking about social history, the impact of that.” Eight (80%) discussed appropriate education. For seven out of 10 participants (70%), the appropriate education piece centered around missed instruction and attendance concerns with the phrases, “discuss absences, tardies, early release; what are they missing,” “absences across educational career...skipping,” and “if they aren’t in school, they can’t be taught.” One participant noted, “look[ing] at the curriculum: their reading level, basic numbers, letters.” Two participants (20%) mentioned cut-offs for attendance: missing 10% and 15% of the school year.

*ESL.* As far as cultural and linguistic factors, no information regarding culture specifically was discussed by the participants (0%), while language was a concern for eight out of 10 participants (80%). Phrases included, “language differences,” “language acquisition,” and “linguistic factors.” The information gathered included, “Cross-Battery assessment,” “CLIM [Cultural-Language Interpretive Matrix],” “WIDA ACCESS test,” “Woodcock-Johnson Oral Language Test in both English and Spanish,” “English proficiency...meeting a certain level that is documented before...evaluation,” and “parents...using their knowledge, comparing to other siblings and information about factors outside of school” (Appendix D, Table 11).

*Other information.* The participants also highlighted other factors from the exclusionary clause that are discussed (Appendix D, Table 11). Three out of 10 participants (30%) discussed vision and hearing screenings. One (10%) discussed motor

coordination concerns, and another participant (10%) discussed “motivation, effort, and other things like that as well.”

### **Training**

The participating school psychologists were also asked, “Did your training for becoming a school psychologist prepare you to discuss the exclusionary clause?” The responses were focused on how training and/or experience were involved in preparation for the discussion of the exclusionary clause factors. Four out of 10 participants (40%) highlighted their experience on the job, 1) “On-the-job learning is the best teacher. My training only went so far,” 2) “I believe the experiential pieces prepared me more. There are certain things that can’t be taught in a classroom,” 3) “Experience was my teacher,” 4) “I learned a lot on the job.”

Four (40%) discussed the importance of their training, with two (20%) highlighting the experience piece as well. “Yes, [my training] did...when it comes to the ESL population..., trauma, homelessness, lack of attendance..., home-school collaboration, and how all of these impact our kids,” “My training prepared me to work in multiple states; there are certain nuances, but overall themes and expectations are similar,” “My training was great; I was well-educated on what to do. But my experiences gave me confidence in my decision-making abilities,” “There was a combination of using my training, my filing cabinet, and learning on internship. This is how it works in the real world.” Two participants were trained many years ago and discussed the use of updated training. These quotations highlight the need for continued learning: “Things have changed a lot since I’ve been a school psychologist. After 10 years on the job, I took some training opportunities focused on ICT [Instructional Consultation Team],” “I was

taught a long time ago. We didn't focus on cultural diversity. I've gone to seminars and specialized trainings for that, which have been very helpful.”

### **Research Question Two: Intent of the Law**

How do Virginia school psychologists define the intent of the law when considering the Specific Learning Disability exclusionary clause and do their current practices fulfill that intent? To explore the second research question, the Virginia school psychologists were asked about their understanding of the exclusionary clause from a legal perspective, to define the function or intent of the clause, if the exclusionary clause is fulfilling the defined intent, and how closely they themselves are fulfilling that intent.

**Intent.** To seek out information regarding the intent or function of the exclusionary clause, the participating Virginia school psychologists were asked, “What do you feel is the exclusionary clause’s function or intent?” and “Do you believe the clause, itself, is fulfilling that function?” Much of the information provided is found in Appendix D, Table 15. When investigating the answers provided three themes were discovered: 1) accurate labeling, 2) accountability for discussion, and 3) identification of needs/concerns.

First, five out of 10 participants (50%) discussed using the exclusionary clause to accurately identify students under the category of Specific Learning Disability. This theme was derived from the following quotations, the exclusionary clause “frames discussion about whether or not it is a true disability versus experience, exposure, or lack of accommodation or intervention in the classroom,” “is meant to ensure...that we are not over-identifying students as having SLD,” “helps us accurately identify students,”

“makes sure that it is a disability rather than other things, other factors,” and “leads to the right labelling.”

Second, five participants (50%) stated the exclusionary clause was meant to hold the school, specifically the Eligibility team, accountable. The quotations identified with this theme include: “I feel it is meant to ensure the factors have been considered,” “[m]aking sure we aren’t missing something important,” “makes sure the Eligibility teams are making the best decisions,” “it holds the school accountable...[w]e can’t identify a kid as having an SLD just because they are homeless, lack money, lack resources,” and “[i]t forces us to try harder before identifying a child...forces creativity; holds us accountable.”

Third, five of the school psychologists (50%) focused on the exclusionary clause’s ability to identify concerns or needs in the school building. The school psychologist quotes organized under this theme were as follows: “[i]t helps us... talk about things like appropriate education,” “it can be used to fit your school’s needs,” “it protects our kids...can help us focus on the needs” “it helps identify a school’s primary concerns...we can fit the needs of our schools” and “[i]t helps us identify what students are in need.”

**Legal Perspective.** The participants answered the question, “Do you feel that you fully understand how to consider the exclusionary clause from a legal perspective?” Eight out of 10 (80%) spoke positively about their understanding of the exclusionary clause from a legal perspective. Some responses included, “it makes sense,” “I feel I have a moderate understanding. That I’m familiar with it,” and “[w]ith how it is, yes.” The theme of accountability was mentioned by four participants (40%), making sure “those

conversations are happening” and “the discussion is taking place,” “as long as schools are having these discussions, I feel like we are doing what we should be doing, and “talking about these factors for all of our kids.” Seven out of 10 participants (70%) noted concerns about the exclusionary clause. Five (50%) talked about the definitions of factors, “There is difficulty with certain factors: poverty. How can we define disadvantage with so many of our children being disadvantaged?” “The appropriate education piece: we need a definition from administration because it can affect the whole school system,” “But I want more parameters. Appropriate education should be based on administration decision, not me.... The idea of good classroom management and being able to teach the curriculum and use interventions,” “There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable,” and “How do you define some of these factors when it is the majority of our population? We have three-fourths of our population living in a disadvantage.”

**Clause’s Fulfillment of Intent.** Seven out of 10 participants (70%) were positive regarding the exclusionary clause’s fulfillment of intent. Two participants (20%) stated both “yes and no” in response. These participants stated, “we need to be using it for every initial” and “interventions and tracking need to be taking place; we need to make adjustments based on data. This idea of appropriate education, we need criteria for appropriate education; we need parameters.” One participant (10%) stated, “No, the team just checks the box at the end of the sheet, we may have some circular discussion leading back to services... but we move on quickly.”

**School Psychologists' Fulfillment of Intent.** The participating school psychologists were asked, "How closely do you think your current practices fulfill the intent of the law?" (Appendix D, Table 16). Nine out of 10 participants affirmed fulfillment (90%). Six responses (60%) focused on accountability for discussion, "making it a part of the conversation that we have," "having meaningful conversations," "our worksheet for Child Study discussion, our Eligibility discussion using the social worker's table," "discussed by myself and the social worker," "having these conversations and building teachers' knowledge about these factors," "beginning to have these conversations in Child Study and really focus on language," and "[t]his is a topic of discussion at Child Study." Two responses focused on the theme identification of needs/concerns, "trying to fit our kids needs using the resources we have" and "using a checklist and tinkering with it to make it fit our needs."

**Concern.** The question "Is the Specific Learning Disability exclusionary clause a current concern for you?" was used to elicit more information regarding the school psychologists' fulfillment of the intent of the law (Appendix D, Table 13). All 10 participants (100%) stated it was a concern. Three (30%) stated the importance of the discussion, related to the theme of accountability: "something we should be talking about," "[t]he discussion is important," and "conversations we have to have." One participant (10%) referenced the theme of identifying needs/concerns with the phrase, "We can tailor our resources to fit the needs." One participant (10%) stated that the clause "protects the rights of our students" which was coded as the theme of accurate labeling. Two participants (20%) spoke about their population: "with our high population

of students who live in poverty...and our population of ESL students” and “the Office of Civil Rights is talking about high identification of minorities...identifying ESL students.”

**Importance.** The participants were also asked, “Do you believe the exclusionary clause is an important piece of the Specific Learning Disability criteria?” All participants (100%) believe the exclusionary clause is an important piece of the criteria (Appendix D, Table 14). One participant (10%) stated, “not the way we treat it...I think it is important outside [of our district].” Three participants (30%) noted the impact of these factors, “makes sure...we are considering these factors that can be impactful,” “if we don’t look at the factors, we could be missing big pieces,” and “[the] impact of these factors on academics.”

**Impact on decisions.** The participating school psychologists were asked several questions related to impact on eligibility decisions: “How impactful or meaningful is the discussion of the exclusionary clause in the eligibility decision?” “What could be influencing its meaningfulness?” “Has there ever been a case where the discussion changed the eligibility decision?” “If yes, tell me about that case.” These questions and their corresponding answers are found in Appendix D Tables 20 and 21. Six out of 10 participants (60%) stated the exclusionary clause was both impactful, meaningful, and changed eligibility decisions. As far as what could be influencing its meaningfulness, the participants focused on discussion of the factors themselves. Four participants (40%) mentioned attendance or missed instruction; three (30%) spoke of socioeconomic disadvantage; three (30%) discussed language; two (20%) talked about moves, and two (20%) discussed trauma. Three participants (30%) stated the exclusionary clause was not impactful or meaningful and had not changed eligibility decisions. Important quotations

include, “It hasn’t impacted decisions in the two years I’ve been here,” “It has led to dissent. Our discussions do not usually end in a unanimous decision,” “It is not impactful or meaningful in the way we are currently talking about it.” One participant (10%) stated that the clause is “both impactful and it isn’t,” but that eligibility decisions have been impacted. Despite using an exclusionary clause worksheet during Child Study, this participant explained, “[W]e are still having discussion at Eligibility that lead us back to outside factors that are impacting our students.”

### **Research Question Three: Practices and Legitimacy**

The third research question entailed, “Do Virginia school psychologists believe there is a relationship between the practices used to discuss the Specific Learning Disability exclusionary clause and its legitimacy?” To understand the participating school psychologists’ thoughts on the relationship between how they practice and the legitimacy of the exclusionary clause, information from the first and second research questions needed to be revisited and categorized in a different way. Two additional questions arose, 1) What is revealed when we compare the specifics of the exclusionary clause discussion to the concern, importance, meaningfulness, and impact placed on the exclusionary clause? and 2) What changes to current practices do school psychologists believe may impact the discussion?

**Exclusionary Clause Discussion.** The information from the school psychologists regarding their current practices surrounding the exclusionary clause (research question one) and the concern, importance, meaningfulness, and impact placed on the clause (research question two) was rearranged for comparison and contrast. The current

practices information focused on when the exclusionary clause is discussed and who takes place in the discussion.

*Impact of when discussed.* The first research question stated information regarding when the exclusionary clause is discussed taken from Appendix D, Table 9. Six participants (60%) discuss the exclusionary clause during both Child Study and Eligibility, while four participants (40%) stated they discuss the clause at the end of Eligibility meetings. To compare when the clause is discussed to questions related to concern, importance, meaningfulness, and impact on decisions, the participants responses from Tables 13, 14, 20, and 21 were split into two separate groups based on time of discussion: Child Study/Eligibility and Eligibility.

For the Child Study/Eligibility group, six out of six participants (100%) identified the exclusionary clause as important and as a current concern. Five out of six participants (83%) spoke of the exclusionary clause discussion being impactful or meaningful as well as changing eligibility decisions, while one participant did not (17%). In Tables 20 and 21, this participant explained that the discussion of the exclusionary clause “leads to big disputes” and “dissent... [and does] not usually end in a unanimous decision.” This participant noted the need for further definitions, “There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable.”

For the Eligibility group, four out of four participants (100%) stated the exclusionary clause was a current concern and was important to them. One of the four (25%) spoke of the difference between the participants’ opinion and the school, “It is for

me, but not my schools. It is something we should be talking about, but they make assumptions about what is primary and, in the end, want the services,” “Yes, but not the way we treat it... I think it is important outside (of our district). That those discussions are taking place” (Tables 20 and 21). Two of four (50%) identified the exclusionary clause discussion as being impactful and meaningful and changing decisions, while two (50%) did not. One participant stated, “It is not impactful or meaningful in the way we are currently talking about it, and I want that to change” and “We avoid [discussion of the clause].” The other participant is quoted, “The discussion is important..., but it hasn’t impacted decisions in the two years I’ve been here” (Appendix D, Tables 20 and 21). This other participant had concerns regarding definitions of factors, “There is good understanding surrounding language and how that is impactful. We can have discussions about that, but socioeconomic disadvantage is vague. How do we discuss the impact when all of our students are living in poverty?” (Appendix D, Table 11).

***Impact of who takes part.*** The first research question discussed who is taking part in the exclusionary clause discussion using information from Appendix D, Table 10. Four out of 10 participants (40%) discussed school psychologists leading the discussion, either alone or paired with a school social worker. Three of the four participants (75%) talked about the clause as a current concern and important as well as impactful and changing eligibility decisions. One of the four participants (25%) discussed the exclusionary clause as a current concern and important but noted that the discussion was not being impactful or changing eligibility decisions. This participant stated concerns regarding definitions of factors, “There is good understanding surrounding language and how that is impactful. We can have discussions about that, but socioeconomic disadvantage is vague. How do

we discuss the impact when all of our students are living in poverty?” (Appendix D, Table 11). This was the same participant noted above at the end of the previous paragraph.

**Ideal Setting.** Several questions gave insight into the changes school psychologists are considering as far as their current practices surrounding the discussion of the exclusionary clause. School psychologists discussed their ideal setting: 1) consideration of changes to current practices, 2) best practice, 3) furthering meaningfulness of the discussion, and 4) talking about the exclusionary clause at Child Study. The answers to these questions led to two themes related to school needs which were addressed throughout the participants’ interviews: further definition of factors and more available resources. Two other themes for needs were identified, the need for more intervention as well as consistent teams and training. These themes will be addressed in the fourth research question.

First, the participants were asked, “Would you make changes to current practices surrounding the exclusionary clause?” (Appendix D, Table 19). 10 out of 10 participants (100%) noted changes being made in the present or hoping to be made in the future. Second, the school psychologists were asked, “Do you feel there is a best practice for discussing the exclusionary clause? What would best practice look like? What may help create a best practice?” Six participants (60%) stated there was a best practice, while three (30%) were unsure. The following quotations represent the participants who were unsure, “[t]here may be an idea,” “[f]or our division, yes, there is a best practice. I don’t know if that is reflective of other schools,” and “I think there could be if we agreed upon something, at least across Virginia. I don’t know what that looks like” (Appendix D,

Table 22). Third, when asked about “the opportunity to apply the exclusionary clause in a meaningful manner,” 10 out of 10 participants (100%) were either currently making changes or talking about the need to make changes in the future (Appendix D, Table 23). Finally, the school psychologists were asked, “How might the process be impacted if the exclusionary clause were discussed during Child Study rather than waiting for the Eligibility meeting?” 10 out of 10 participants (100%) spoke positively about beginning discussion of the exclusionary clause at Child Study. Six out of 10 participants (60%) noted the possibility of this change bringing down the number of assessments (Appendix D, Table 24).

*School needs.* Throughout the interviews, the participating school psychologists mentioned information about how to better their practices for Response to Intervention and the discussion surrounding the Specific Learning Disability exclusionary clause. The identified needs for bettering current practices include definitions for specific exclusionary clause factors and more resources. As stated previously, the two other themes for needs including the need for more intervention as well as consistent teams and training will be addressed in the fourth research question.

*Definitions of factors.* Many participants discussed the need for specific definitions of the exclusionary clause factors (Appendix E, Table 1). Several participants spoke on the need for worksheets. Seven out of 10 (70%) discussed worksheets or forms specifying the exclusionary clause factors. This worksheet would be separate from the criteria worksheet used for Eligibility. Important quotes include: “Using a specific checklist for these factors could be impactful...specifically defining these factors and looking at these factors” and “I want a checklist for Child Study. We keep having to

backtrack and waste time, energy, and resources because referrals are going forward that shouldn't be."

The exclusionary clause factors identified for further definitions included socioeconomic disadvantage, environmental disadvantage, and appropriate education. Nine out of 10 (90%) participants discussed furthering the definitions of certain exclusionary clause factors. Six out of 10 (60%) discussed socioeconomic status. These participants had many questions: "[F]ood, running water...[h]ow can we rule-out when they need these basic things?" "How can we define disadvantage with so many of our children being disadvantaged?" "How do we discuss the impact when all of our students are living in poverty?" and "[H]ow do you define some of these factors when it is the majority [three-fourths] of our population?" Three out of 10 (20%) discussed environmental disadvantage. Some quotations are "How can they learn with that environment?" and "Students are a product of their environment. Drugs, behavioral issues, trauma, other things these kids face: how can we rule out environment?" Four out of 10 (40%) discussed appropriate education. Notable quotes include: "Discussion can be difficult when children are homeschooled or classroom management is a concern. How do we define appropriate education in those instances?" and "I want more parameters. Appropriate education...[t]he idea of good classroom management and being able to teach the curriculum and use interventions."

Participants noted differences between factors and discussion of what is considered a primary factor. Three out of 10 (30%) compared factors that are more easily define with factors that are more difficult to define. Examples include: "[T]he difficulty is subjective versus objective factors. Poverty, academic exposure, those are subjective

unless defined somehow. For absences, we have a cutoff; that is more objective,” “There is good understanding surrounding language and how that is impactful..., but socioeconomic disadvantage is vague,” and “There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable.” Three out of 10 (30%) school psychologists spoke about discussions concerning the primary cause of a student’s struggles. This refers to the question, “Are the student’s struggle due to a disability or related to other factors?” Notable quotes are as follows: “The social worker lists potential problematic factors, but there is always the discussion about how these factors may or may not be primary,” and “The issue is that team by team the interpretation of these factors and what is seen as primary can be very different.”

*More resources.* Many of the participating school psychologists recognized the need for more resources (Appendix E, Table 2). Eight out of 10 participants (80%) discussed different needs, specifically too many assessments, not enough time, inability to reach the ideal, and lack of school psychologists. Seven out of 10 participants (70%) discussed the number of assessments with phrases like, “[w]e’ve become testing machines,” “[w]e do lots of assessments, but what difference are we making?” Six out of 10 (60%) referenced the need for more time. Important pieces are the following: “It would be great to create relationships with the home; get the families involved,” “open up our schedules and lead to much more time for other things, like attending Child Study,” “able to do trainings, and focus on trauma,” and “more time for consultation and building relationships with teachers.” Three school psychologists (30%) discussed the idea of not reaching their ideal: “There’s best practice...and then there’s what is practical, the reality

of what we have access to.” Four participants (40%) recognized the need for more school psychologists. Highlights include: “One per school would be great!” and “To meet NASP expectations of 1 school psychologist for every 500 to 600 kids that would open up our schedules.”

#### **Research Question Four: Intervention**

What current interventions, if any, are being used to address the Specific Learning Disability exclusionary clause factors of socioeconomic/environmental disadvantage, cultural factors, or English as a second language? For information regarding interventions, the participating Virginia school psychologists were asked questions regarding types of interventions being used, the use of exclusionary clause to shape intervention, and the needs of their schools. Throughout the interviews, three themes were found related to needs: specific interventions, consistency in teams and training, as well as more personnel and more time.

**Academic, Behavioral, and Social-Emotional Interventions.** Participants were asked, “Does your district use the Response to Intervention Framework?” They were then asked, “What types of intervention are put in place before SLD is considered?” As stated before, four participants use RTI consistently (40%), five use RTI partially (50%), and one’s school district does not use it (10%) due to incorrect implementation (Appendix D, Table 8). Nine out of 10 participants (90%) were able to discuss specific types of interventions. The participant who did not discuss intervention noted her school is not monitoring progress, but conversations are taking place regarding, “intervening before, daily intervention.”

Eight out of 10 participants (80%) discussed reading interventions with four mentioning specific interventions (40%), and one stating (10%) that the district was “building intervention.” These interventions included: repeated readings, Read Naturally, SRA (Early Intervention in Reading), Orton-Gillingham Training, Title I reading intervention, and Scholastic Reading Inventory. Six out of 10 participants noted the use of math intervention (60%), with one (10%) stating the specific intervention Scholastic Math Inventory. No participants (0%) stated that writing interventions were in place. Three participants (30%) discussed the use of groups or teams: “small groups,” “small group support,” and “grade-level teams.” Three participants (30%) noted the use of behavioral interventions with no specifics, and one participant (10%) noted the need for behavioral interventions. Two participants (20%) spoke about social-emotional interventions, with one (10%) highlighting the use of mindfulness and an anti-bullying program. One participant (10%) discussed an intervention specifically targeting attendance, which is related to the exclusionary clause, stating “We do have attendance plans in place for those we have concerns about.”

***Progress Monitoring.*** Information related to progress monitoring was gathered from Appendix D, Tables 8 and 9. Five out of 10 participants (50%) discussed benchmark data, with two (20%) mentioning specifics such as PALs, STAR testing, and MAP testing. Three participants (30%) stated concerns about progress monitoring, “little to no progress monitoring happening,” “isn’t much progress monitoring,” “no set guidelines on RTI data.” Five participants (50%) highlighted the importance of data and maxing out resources. Statements of interest include, “[we] need that additional data to look at growth,” “if there are no strengths and weaknesses, there is not much we can do,”

“[we] refer students not making progress [and] don’t refer unless...there is data,” “when [we] have tapped out our resources, we move forward,” and “have we exhausted our resources?”

**Exclusionary Clause Factors.** To gain information about the relationship between the exclusionary clause and intervention, the participants were asked, “How can the exclusionary clause be used to shape interventions?” and “Is this happening in your school?” (Appendix D, Table 12). Two participants (20%) responded positively to the idea of using the exclusionary clause to shape intervention with the statements. Two participants (20%) were unsure of how the exclusionary clause could shape intervention, and two (20%) stated that this was not taking place in their district. Eight out of 10 participants (80%) discussed ways the exclusionary clause could shape intervention in the future. Three focused on the enforcement of RTI with the phrases such as, “this is a way to bring [Special Education and RTI] together,” and “[it] forces us to try harder...a push back, ‘What have you tried?’” Six participants (60%) focused on using it to fit the needs of the school through things like absences, academics, and behavior.

**RTI Improvement.** Nine out of 10 participants (90%) mentioned the need for improvement in the Response to Intervention framework (Appendix D, Tables 8, 14, 16, 19, 22, 23, and 25). Seven (70%) noted the importance of using more interventions and tracking data before referral. Two (20%) stated the importance of placing new intervention at the time of Child Study, “There is a tendency of teachers to send students to Child Study and stop intervention services.” Two (20%) focused on trying to fit their students’ needs: one with “using the resources they have” and the other by creating a “variety of interventions.”

**Needs.** As stated in research question three, the participants' interviews identified needs for bettering current practices: definitions for specific exclusionary clause factors and more resources. For this fourth research question, the school psychologists identified their schools' needs for specific interventions, consistency in teams and training, as well as more personnel and more time. This last theme has been addressed but will be addressed again in terms of intervention.

**Interventions.** All the participants (100%) noted the need for further intervention. Seven out of 10 participants (70%) identified specific interventions that would benefit their students (Appendix E, Table 3). Seven (70%) talked about intervening in the home. These examples concern socioeconomic/environmental disadvantage: “[s]tudents are a product of their environment...drugs, behavioral issues, trauma,” “[g]iving parents access to mental health resources,” “level the playing field for our students: food, running water, these basic necessities,” “teaching parents would be helpful...able to help with homework at home,” “we need to hold parents more accountable for student attendance.” Two responses (20%) were related to English as a second language, “teach students to read in their own language as well as English... teach our parents English, help with that home-school relationship,” “[o]ur older students, 16 or 17 years old, coming to our country with no English or very little, we could teach them trades.” One (10%) response focused on cultural differences, “We need trauma training, assuming trauma rather than waiting, especially for our kids from other countries.”

**Consistency.** Eight out of 10 participants (80%) highlighted the need for consistency in teams and training (Appendix E, Table 4). The responses included, “consistency across teams and teachers understanding the impact of the factors, not

referring kids where the factors muddy the water and more intervention is needed,” “a more collaborative team process, having people who understand the criteria...I want evaluators and interventionists to work together or the evaluators to become interventionists, be more involved,” “[w]e need more training...[s]ocial workers and school psychologists focused on interventions, working together as a team,” “[t]here’s an overall lack of training in intervention and lack of involvement,” and “[w]e...need to have a knowledgeable and *available* team for intervention, progress monitoring.”

Four out of 10 participants (40%) highlighted the need for training teachers. The responses included the use of interventions, the exclusionary clause factors, and about Special Education in general. Specific quotations include: “[W]e forget that special education isn’t a magic fix. Many teachers believe that it is,” “The teachers do fill out a form prior to referral.... Many don’t understand the impact of these factors, which leads to further discussion during Eligibility,” “teachers understanding the impact of the factors, not referring kids where the factors muddy the water and more intervention is needed,” “The worksheet may help teachers begin to understand and bring us kids who need referrals because they are struggling beyond these factors rather than because of the factors,” and “We are having these conversations and building teachers’ knowledge about these factors.”

***Personnel and time.*** Five out of 10 participants (50%) noted the need for more personnel and more time for intervention (Appendix E, Table 2). Important statements include, “more personnel focusing on intervention,” “we need more school psychologists...would open up our schedules...for other things,” “more of us would be extremely impactful, us being teamed with social workers, being part of the pre-referral

process,” “[w]e’d have more time for interventions,” and “[i]t can lead to intervention happening beforehand.”

### **Discussion**

This study’s purpose was to investigate the current practices of Virginia school psychologists surrounding the discussion of the exclusionary clause. Through their interviews, the school psychologists gave insight into their current practices, how they define and if they fulfill the intent of the law, how they view the relationship between practices used for exclusionary clause discussion and the clause’s legitimacy, and if any interventions were being used to address the exclusionary clause factors. Using the participants’ response conclusions are drawn; the conclusions will be furthered discussed in the Implications for School Psychologists section.

### **Current Practices**

Most school psychologists stated they are using Response to Intervention in their schools as part of the Specific Learning Disability criteria either during Child Study, Eligibility, or both. There were more participants discussing the exclusionary clause during both Child Study and Eligibility than there were participants discussing the exclusionary clause at Eligibility alone. Surprisingly, four participants noted the use of worksheets for discussion of the exclusionary factors. Many different people are taking part in the discussion of the exclusionary clause such as the school psychologist, social worker, interpreters and certain specialists, as well as other individuals such as special education teachers. Social workers were highlighted as being paired with school psychologists and their sociocultural report or social history being an important piece of the exclusionary clause discussion. Overall, the participants’ responses imply an

emphasis on gathering information about these exclusionary clause factors during Child Study using worksheets that further define the factors.

The factors of interest were socioeconomic/economic disadvantage, culture, and linguistic differences. Most of the participants discussed socioeconomic/economic disadvantage and linguistic differences in multiple ways, but no participants, specifically, addressed culture. For socioeconomic disadvantage, the participants referenced shelter and access to necessities, while for environmental disadvantage, the participants referenced moves, trauma, and appropriate education, including absences. As far as data for meetings concerning ESL students, Dr. Sam Ortiz's Cross-Battery Assessment and Cultural-Language Interpretive Matrix and other similar language assessments were mentioned. Overall, the data suggests that gathering information prior to Eligibility gives insight into whether students' struggles are due primarily to a Specific Learning Disability or outside factors. Sociocultural information available from parents could be valuable in making determinations as far as referral or building hypothesis for the referral itself. Discussion with parents may lead to understanding the opportunities and limitations for each student.

The school psychologists also gave information concerning past school psychology training. The participants noted not only the importance of training but also the need for learning on the job as well as continuing training into the future. This data suggests training programs may want to emphasize the discussion of the exclusionary clause and its factors during the in-school training piece such as practicum or internship.

**Intent of the Law**

School psychologists define the intent of the law as leading to 1) accurate labeling, 2) accountability for discussion, 3) identification of needs/concerns. First, accurate labeling refers to the clause leading to Eligibility teams correctly identifying a student as having a learning disability rather than the student's struggles being related to other outside factors. Second, accountability for discussion means the clause itself holds the school accountable for the exclusionary clause discussion. The discussion is more likely to take place because of the clause's existence. Third, the clause can be used to identify the school's and the students' needs. This last definition is not currently taking place, but the participants believed in the possibility of this being accomplished in the future.

The majority of participants stated they understood the exclusionary clause from a legal perspective, but half highlighted the need for further definitions for the exclusionary clause factors themselves. Many of the school psychologists were positive regarding their own fulfillment of intent by consciously having these discussions and trying to fit the needs of their students. All participants see the exclusionary clause as a current concern and as an important part of the Specific Learning Disability criteria. For those who stated eligibility decisions were changed by discussing the clause, the exclusionary clause was noted to be impactful and meaningful. The exclusionary clause was not impactful or meaningful for participants where the eligibility decisions never changed. More participants saw eligibility changes due to exclusionary clause conversations than not.

Overall, the participants' responses indicate the value of the legitimate discussion of the clause where it is *not* happening. For the clause to fulfill its intent, the discussion

needs to be taking place. Perhaps, it would be impactful to begin the discussion of the exclusionary clause and its factors at the start of the year, when the Child Study Team is being formed/trained or during professional development sessions.

### **Relationship between Practices and the Clause's Legitimacy**

For those who discuss the exclusionary clause during both Child Study and Eligibility, the clause is a current concern, an important piece of the Specific Learning Disability criteria, and is impactful and leading to eligibility decision changes. For those who discuss the exclusionary clause during Eligibility alone, the clause is a current concern and an important piece of the Specific Learning Disability criteria but may or may not be impactful or lead to eligibility decision changes. Some school psychologists identified themselves as leading the discussion alone or paired with a social worker. The majority of these participants stated the clause was a current concern, an important piece of the criteria, impactful and leading to decision changes. For the participants who stated the clause was not impacting decisions, there were concerns regarding further definitions for the factors such as socioeconomic disadvantage or appropriate education. Overall, the participants' responses indicate the discussion beginning at Child Study is more impactful than waiting till Eligibility. This suggests beginning this discussion at Child Study may help school psychologists access the impactor meaningfulness of the exclusionary clause.

All the participants had ideas concerning best practice, changing practices, or being given the opportunity to discuss the exclusionary clause in a more meaningful way. The school psychologists identified the needs for more defined exclusionary clause factors and more resources throughout their interviews. Some school psychologists are

currently using a worksheet to further define these factors. Others believe a worksheet or at least more information regarding the definitions of socioeconomic disadvantage, environmental disadvantage, and appropriate education would be helpful for discussions about what is primarily affecting their students. The participants noted the need for fewer assessments, more time to focus on intervention and build relationships in the school building, as well as more school psychologists. Many are failing to reach their ideal practice because they are lacking the resources. Overall, this data presents a challenge to school psychologists to develop more explicit definitions and criteria for the specific exclusionary clause factors, especially those that impact their school district. The data implies explicit definitions and/or criteria furthers the discussions surrounding the clause and impacts decision-making.

### **Intervention**

The majority of school psychologists have school buildings with RTI in place or being built at the moment. The participants spoke about the academic interventions of small group support as well as reading and math. A few participants discussed behavioral and social-emotional interventions. Few were able to name the types of interventions taking place. Half of the participants highlighted the use of benchmark data; a few had concerns with little-to-no progress monitoring taking place. Half also highlighted the importance of data and maxing out available resources. This data suggests the need for more progress monitoring and school psychologist involvement in the RTI process. School psychologist would benefit from knowing what resources are available for intervention in order to make sure those resources are being used.

The shaping of intervention using the exclusionary clause is not taking place, but the majority of school psychologists discussed ways in which it could be used in the future, such as for improvement in RTI. The school psychologists identified the need for specific interventions for the factors such as socioeconomic/environmental disadvantage and English as a second language. They also identified the need for consistent use of teams and training as far as intervention and discussion of the exclusionary clause. Several participants focused on the need to train teachers as far as interventions and the exclusionary clause factors. They highlighted the need for more personnel for intervention support including the need for more school psychologists, which would lead to more time for other things such as intervention and progress monitoring. Overall, the data suggests that shaping of interventions through the exclusionary clause is not happening but could happen in the future. The data also implies a need for intervention and exclusionary clause training across Child Study and Eligibility teams, especially for teachers.

### **Limitations and Considerations for Future Research**

For future research on this topic, certain limitations should be addressed. First, participation was limited to 17 responses and four of those responses being from the same district as previous participants. Those who participated may have had a prior interest in the topic of the Specific Learning Disability exclusionary clause. This may have resulted in a skewed representation of Virginia school psychologists' current practices.

Second, school psychologists who are using checklists or other forms for the Specific Learning Disability exclusionary clause should be contacted and asked for more information surrounding the use of the forms. The study's participants highlighted the

need for further definition of exclusionary clause factors, and several mentioned the use of a specific worksheet for Child Study meetings. These worksheets could be compared and contrasted to the needs of the system. They could also be used as examples for other school districts who may want to use a worksheet and could help with defining the exclusionary clause factors.

Third, there needs to be further investigation into how the Specific Learning Disability exclusionary clause could shape intervention. This could be accomplished through discussion with more school psychologists and continuing the identification of intervention ideas surrounding these exclusionary clause factors. When discussing the specific impacts for students living in poverty and other environments, of different cultural backgrounds, or those learning English as a second language, specific interventions may emerge to fit these needs.

Fourth, one should consider opening an investigation into fitting the needs of schools in Virginia including the need for more school psychologists, further intervention, and more available resources. This current study led to many questions: How do we build the case for more school psychologists in a district? How do we continue to build the RTI framework and ensure progress monitoring? How do we identify the needs of our students and create interventions from the resources available, especially for the exclusionary clause factors? These topics could be investigated by interviewing and surveying more school psychologists.

### **Implications for School Psychologists**

This study provides information regarding the current practices of school psychologists in Virginia when discussing the Specific Learning Disability exclusionary

clause. Other school psychologists in Virginia and elsewhere can compare their own practices and consider changes for involvement in the process and the discussion of the clause in general.

Many of the Virginia school psychologists interviewed wanted to be more involved in RTI and noted the need for more time, more personnel, and fewer assessments. One solution raised was changing the time the exclusionary clause is discussed. During this study, there was an emphasis on beginning discussion on and gathering information about the exclusionary clause factors during Child Study. If school psychologists begin this discussion at Child Study, it may help school psychologists access the impactor meaningfulness of the exclusionary clause. The discussion is more impactful at Child Study; it can lead to changes in decision-making, fewer assessments, and, therefore, more time for involvement opportunities in other aspects of school psychology.

For the school psychologists in districts where discussion of the clause is not taking place, participant responses place an emphasis on the value of having that discussion. For the clause to fulfill its intent, the discussion needs to be taking place. Perhaps, it would be impactful to begin the discussion of the exclusionary clause and its factors at the start of the year, when the Child Study Team is being formed or trained or during professional development sessions.

Some of the school psychologists are using form or worksheets to further define these factors and ensure these factors are being investigated. Additionally, gathering information prior to Eligibility may give insight into whether students' struggles are due primarily to a Specific Learning Disability or outside factors. School psychologists

should consider the sociocultural information available from parents. This information could be valuable in making determinations as far as referral or building hypothesis for the referral itself. Discussion with parents may lead to better understanding the opportunities and limitations for each student. Based on the participants' responses, the exclusionary factor of socioeconomic disadvantage was considered primary when referencing lack of shelter or access to necessities, and the exclusionary factor of environmental disadvantage was considered primary when referencing moves, trauma, and appropriate education, including absences and attendance information such as tardies and early dismissals.

School psychologists are challenged to develop more explicit definitions and criteria for the specific exclusionary clause factors. This would be impactful for those factors that are affecting the entire school district and specific students with whom school psychologists are working. When school psychologists create explicit definitions and/or criteria, this may further the discussions surrounding the clause and impact decision-making. As school psychologists delve into explicit discussion as well as further definitions and criteria, they should consider the training of other personnel in the building, especially teachers, to ensure these personnel understand the factors and the impact of those factors on students. This will further the knowledge of the team and lead to proper determinations as far as eligibility for Special Education.

There is an implied need for more progress monitoring and school psychologist involvement in the RTI process. School psychologist would benefit from knowing what resources are available for intervention and making sure those resources are being used prior to referral. The data implied a need for intervention overall.

Furthermore, this study can challenge school psychologists to think about the exclusionary clause factors in a new way. How can the exclusionary clause be used to identify needs in your students? How can the clause be used to shape intervention? The data suggests shaping interventions through the exclusionary clause factors themselves is not happening in the present but could happen in the future.

This study can also challenge school psychologists to identify the needs of students as well as school psychologists and other personnel and to advocate for those needs. If more school psychologists are needed to properly meet the needs of a school system, how can attention be increased for this need? There appear to be no easy answers, but the discussion itself may lead to the answers school psychologists are seeking.

For school psychology programs, the data suggested an emphasis on the discussion of the exclusionary clause and its factors during the in-school training piece such as practicum or internship. This may help enhance the conversations and training taking place during actual class time with experiential pieces.

As the field of school psychology continues to grow and change, there is a benefit in gaining continued input from practitioners in the field. This is true for the Specific Learning Disability exclusionary clause, as evident in the results discerned from this study. The clause needs to be discussed, and this discussion should be considered at Child Study as well as Eligibility. School psychologists must further the definitions of these factors through criteria sheets or other means in order to meet the need of their systems. School districts need training for school personnel, especially teachers, as far as the exclusionary clause factors and the impact on students. School psychologists would

benefit from being more involved in RTI and allowing the factors to shape their interventions. School psychologists need to continue to identify needs and advocate for those needs.

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## Appendix A

## Exclusionary Clause Email

RE: JMU School Psychology Research Study--Phone Interview

Dear (School Psychologist),

You are being invited to participate in a research study conducted by Kaitlynn Carter, M.A. from James Madison University. The purpose of this study is to investigate the Virginia school psychologists' practices surrounding the Specific Learning Disability exclusionary clause.

This study will consist of an individual interview over the phone. You will be asked to provide answers to a series of open-ended questions related your practices surrounding the Specific Learning Disability exclusionary clause. Should you decide to participate in this research study, you will be asked to give verbal consent over the phone once all of your questions have been answered to your satisfaction.

Participation in this study will require thirty to forty-five minutes of your time. Your responses to the questions will be kept confidential. Each interview will be assigned a number code to help ensure that personal identifiers are not revealed during the analysis and write up of the findings. There is no compensation for participating in this study. However, your participation will be a valuable addition to research surrounding the category of Specific Learning Disability and school psychology practices in general. Your participation is entirely voluntary.

Thank you so much for your time thus far!

Kaitlynn Carter, M.A.

James Madison University, Education Specialist Candidate

### **Questions about the Study**

If you have questions or concerns during the time of your participation in this study, or after its completion or you would like to receive a copy of the final aggregate results of this study, please contact:

**Kaitlynn Carter, M.A.**

Graduate School Psychology

James Madison University

carte6km@dukes.jmu.edu

**Deborah Kipps-Vaughan, Psy.D., NCSP**

Graduate Psychology

James Madison University

Telephone: (540) 568-4557

kippsvdx@jmu.edu

### **Questions about Your Rights as a Research Subject**

Dr. David Cockley

Chair, Institutional Review Board

James Madison University

(540) 568-2834

[cocklede@jmu.edu](mailto:cocklede@jmu.edu)

## Appendix B

**VERBAL CONSENT DOCUMENTATION FOR PARTICIPATION.****SUBJECT: Exclusionary Clause Phone Interview**

Oral consent serves as an assurance that the required elements of informed consent have been presented orally to the participant or the participant's legally authorized representative.

Verbal consent to participate in this telephone interview has been obtained by the participant's willingness to continue with the telephone conversation by providing answers to a series of questions related to what the participant's current practices surrounding the Specific Learning Disability exclusionary clause.

**Phone Script:**

The purpose of this study is to investigate the Virginia school psychologists' practices surrounding the Specific Learning Disability exclusionary clause. Should you decide to participate in this research study, you will be asked to give verbal consent once all your questions have been answered to your satisfaction. This study consists of an interview that will be administered to school psychologists practicing in Virginia. You will be asked to provide answers to a series of questions related to your current practices concerning the Specific Learning Disability exclusionary clause. Participation in this study will require thirty to forty-five minutes of your time. The investigator does not perceive more than minimal risks from your involvement in this study (that is, no risks beyond the risks associated with everyday life). Though there are no direct benefits to

individuals who complete this survey, there is the potential benefit for furthering the knowledge of current Virginia school psychology practices surrounding the Specific Learning Disability exclusionary clause. The results of this research may be presented at a symposium or conference. The results of this project will be coded in such a way that your identity will not be attached to the final form of this study. The researcher retains the right to use and publish non-identifiable data. While individual responses are confidential, aggregate data will be presented representing averages or generalizations about the responses as a whole. All data will be stored in a secure location accessible only to the researcher. Upon completion of the study, all information that matches up individual respondents with their answers will be destroyed. Your participation is entirely voluntary. You are free to choose not to participate. Should you choose to participate, you can withdraw at any time without consequences of any kind. Do you have any questions? Do you agree to participate in this interview?

I attest that the aforementioned written consent has been orally presented to the human subject and the human subject provided me with an oral assurance of their willingness to participate in the research.

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Name of Researcher (Signed)

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Date

Federal requirements mandate that informed consent shall be documented by the use of a written consent form and in the case of oral presentation must also be witnessed in circumstances where human subjects are blind or illiterate.

## Appendix C

## Exclusionary Clause Interview

1. How long have you been a practicing school psychologist?
2. How long have you worked for this district?
3. What is your ratio of students?
4. What population of students do you normally work with?
5. How many assessment cases do you have per year on average?
6. What is an estimate of the percent of students in the free and reduced lunch program in your school building?
7. What is an estimate of the percentage of ESL students in your school building?
8. Does your district use the Response to Intervention Framework?
  - a. If yes, is the data used as part of Specific Learning Disability Child Study/Eligibility Decisions? What types of intervention are put in place before SLD is considered?
  - b. If no, do you have any interventions that you use before SLD is considered?
9. When do you discuss the SLD exclusionary clause in your school building?
  - a. Prior to the Eligibility meeting or during the Eligibility meeting?
  - b. At what point in the meeting: in the beginning, middle or end?
10. Who usually takes part in this discussion?
  - a. Are there specified people depending on the student and what is being discussed (i.e., socioeconomic/environmental disadvantage, cultural factors, ESL)?

11. How does your school building discuss the exclusionary clause factors of socioeconomic/environmental disadvantage, culture, and ESL?
  - a. What information, data, or factors are used?
  - b. What is some of the wording that is used during the discussion?
  - c. Are there specific interventions used for certain cases?
12. How can the exclusionary clause be used to shape interventions?
  - a. Is this happening in your school?
13. Is the Specific Learning Disability exclusionary clause a current concern for you?
  - a. Why or why not?
14. Do you believe the exclusionary clause is an important piece of the Specific Learning Disability criteria?
  - a. Why or why not?
15. What do you feel is the exclusionary clause's function or intent?
  - a. Do you believe the clause, itself, is fulfilling that function?
16. How closely do you think your current practices fulfill the intent of the law?
  - a. Why?
17. Do you feel that you fully understand how to consider the exclusionary clause from a legal perspective?
  - a. What would you like to know that might help you in the future?
18. Did your training for becoming a school psychologist prepare you to discuss the exclusionary clause?
  - a. If yes, what helped you?
  - b. If no, what might have helped you?

19. Would you make changes to current practices surrounding the exclusionary clause?
  - a. If yes, what would you change?
  - b. If no, what stands out to you regarding current practice?
20. How impactful or meaningful is the discussion of the exclusionary clause in the eligibility decision?
  - a. What could be influencing its meaningfulness?
21. Has there ever been a case where the discussion changed the eligibility decision?
  - a. If yes, tell me about that case.
    - i. Were any interventions used before or after?
    - ii. What were the interventions?
  - b. If no, why do you think that is?
    - i. Can you tell me about an Eligibility meeting that stood out to you?
22. Do you feel there is a best practice for discussing the exclusionary clause?
  - a. What would best practice look like?
  - b. What may help create a best practice?
23. If you had the opportunity to apply the exclusionary clause in a meaningful manner, would you?
  - a. What would that look like to you?
24. How might the process be impacted if the exclusionary clause were discussed during Child Study rather than waiting for the Eligibility meeting?
  - a. Is this something you might consider in the future?
    - i. Why?

ii. Why not?

25. If you had all of the resources in the world, what would you do to help with issues surrounding the exclusionary clause?

a. What do you feel school systems might need or would benefit from?

## Appendix D

## Tables of Interview Responses

*Table 1: How long have you been a practicing school psychologist?*

- Four years.
- 12 years.
- 12 years.
- 13 years.
- 16 years.
- 17 years.
- 22 years.
- 24 years.
- 25 years.
- 38 years.

*Table 2: How long have you worked for this district?*

- Three years.
- 12 years.
- Seven years.
- Seven years.
- Two years.
- 13 years.
- 22 years.
- 24 years.
- 25 years.
- Contracted since 2002 [16 years].

*Table 3: What is your ratio of students?*

- 1,147. I work with four schools.
- One to 3,000.
- 11,250 students and six psychologists [1,875:1].
- 7500 students and three school psychologists, whatever that is [2,500:1].
- I have about 2,000 students.
- I work with three schools, about 3,000 students.
- 2,250 students.
- 2,500 students.
- About 1,000 students.
- Around 2,500.

*Table 4: What population of students do you normally work with?*

- I work with elementary students.
- I am assigned to two middle schools and an elementary school.
- Four elementary schools as well as early childhood.
- About 80% of my students are in elementary school.
- I work in an elementary school and high school.
- I work elementary.
- Elementary and high school students.
- Elementary.
- High school.
- All ages, from preschool to high school.

*Table 5: How many assessment cases do you have per year on average?*

- 110 last year, my first year was 93, and this year, it'll be around 66 [ $M = 90$ ].
- 45.
- 70 evaluations.
- Looking at the last four years, an average of 110.
- Around 60.
- About 85 last year.
- 65.
- 80 to 100 [ $M = 90$ ].
- 150.
- 150.

*Table 6: What is an estimate of the percent of students in the free and reduced lunch program in your school building?*

- We have a population, but it depends on the school, at least half.
- Everybody receives free or reduced lunch. We are a title I school.
- We have a high population; above 50%.
- 50% of our students.
- 90% for our elementary; our high school is title I as well.
- High percentage, seventy to 80%.
- Title I, so a high percentage. I'd say above 50%.
- 100%.
- Above 50%.
- Variation anywhere from two-thirds to three-fourths, depending on the school.

*Table 7: What is an estimate of the percentage of ESL students in your school building?*

- I'd say we have less than 10%.
- High percentage, over 50%.
- Small percentage, probably less than 10%.
- More than 10%.
- I don't really have an estimate. We may not even have any [ $<1\%$ ].
- High population, about one-third of our school.
- A few [ $<1\%$ ].
- About 30%.
- Half our population of students.
- Probably two students, so less than one percent.

*Table 8: Does your district use the Response to Intervention Framework?*

- We use RTI data and processing strengths and weaknesses, using the state worksheet during Eligibility. The RTI data is used to represent their academics and corroborate the strengths and weaknesses. If there are no strengths and weaknesses, there is not much we can do. We have reading and math interventions but I'm unsure of writing interventions.
- We use RTI data as part of our criteria. It's used for Eligibility meetings. We use small groups, math, reading, and behavioral or social-emotional interventions. We don't have writing interventions in place at this time. I am not an interventionist, so I don't have a lot of involvement.
- We previously used RTI but it was not implemented correctly, leading to too many false positives. We had huge assessment numbers and not many students found eligible. We are currently using a combination of pattern of strengths and weaknesses using the Cross-Battery method and looking at discrepancy. We use small group support, repeated readings, and grade-level teams, Read Naturally and SRA (Early Intervention in Reading). When we have tapped out our resources, we move forward with meeting about our students.
- We are using RTI or MTSS but not with fidelity. It is still in the works right now. Administration asks the questions, "What are we doing?" But there is little data currently. There is little to no progress monitoring happening. We do have interventions in place. We are using benchmark data to help with decisions. We are using Orton-Gillingham Training for reading. Next year, the goal is to push more for data and intervention: know the student, know what's going on, make changes based on progress.
- We use RTI information as part of SLD decisions. We have a pre-referral team that looks at interventions and data and will refer students not making progress. We don't refer unless RTI has been happening and there is data. Our interventions focus on reading and math. We have benchmarks, and many of our struggling are struggling to meet them.
- We use RTI information as part of decisions on occasion. Specifically, when there is discrepancy between ability and achievement. There are no set guidelines on RTI data. So, during the Eligibility meeting, we plead our case with the team with whatever we have. Interventions are mostly focused on reading and math, some behavior but not much.
- RTI is in the works. We use a pattern of strengths and weaknesses, using Cross-Battery assessment. We are building interventions, trying to also help with behavior. We are using what we have Title I Reading, math intervention through teachers that have free time, double dipping where possible to help with areas in reading or math. Right now, there is a lot of push from teachers for ED labels when there are no behavioral interventions in place beforehand and no diagnoses to back that up.
- My district does not use RTI data, but I do, when possible. There isn't much progress monitoring, but I use benchmark data. We have conversations about pre-intervention; it is part of the definition: intervening before, daily intervention. If we have a slow learner profile and can show lack of growth

through data and link that with IQ and academic achievement, then we have a case. I need that additional data to look at growth.

- RTI is being rolled out right now. We are using a processing deficit model, processing strengths and weaknesses. We are using data in the elementary schools but still figuring it all out. Interventions are focused on reading and math. In elementary and high school there is some social-emotional stuff happening too. We have two school psychologists and social workers, so we can have more groups and meet with more individual students. We are able to incorporate mindfulness and focus on anti-bullying.
- We use RTI data on the Child Study level; we look at reports on progress. For K-8, we have literacy interventions (scholastic reading inventory), and math interventions (scholastic math inventory). We try to do specific interventions based on deficits: specific area lessons, remediation ideas. We use PALs as well.

*Table 9: When do you discuss the SLD exclusionary clause in your school building?*

- The exclusionary clause was not discussed before I worked here. The discussion now takes place at the Eligibility table with me leading the discussion. My training was a big help. [The clause] is discussed in my report at the end.
- Discussion takes place during Eligibility at the very end. This is based on the criteria sheet.
- We discuss the clause during Eligibility, throughout the meeting. The teachers do fill out a form prior to referral. This form is part of a file review where they look at things like absences, transfers, environment, language. Many don't understand the impact of these factors, which leads to further discussion during Eligibility.
- We discuss the factors at Child Study and Initial Eligibility. We have an exclusionary clause worksheet to use during these meetings. It is meeting the needs of our system.
- Pre-referral is where we talk about interventions and behavioral issues. We discuss these factors at Eligibility towards the end. The social worker's social history is very important here.
- We begin discussing during pre-referral meetings (Child Study). Poverty is difficult because so many of our students are living in poverty. We do discuss absences, tardies, early release: what are they missing and how much have they missed? For interventions, we have a team problem-solving meeting, our think tank. We ask, "Have we exhausted our resources?"
- We focus on growth, looking at benchmarks, PALs, STAR testing, MAP testing. For initials, we always do a vision and hearing screening. Most of this discussion takes place during Child Study and Eligibility as the pieces arise.
- It is a case-by-case basis. It is always in the back of my head. It usually takes place in the Eligibility meeting towards the end. Sometimes I may discuss it with the social worker before the meeting.
- We discuss it in Child Study and Eligibility. It is a concern because the Office of Civil Rights is talking about high identification of minorities. We use Sam Ortiz's program for identifying ESL students.
- We try to rule out before referral. During Eligibility, we have a document, a checklist, for the factors.

*Table 10: Who usually takes part in this discussion?*

- I lead the discussion. We include an interpreter when appropriate. We did not use an interpreter before I came. We discuss homelessness, moves, trauma, lack of attendance, language differences.
- Me, a social worker, interpreter depending on the case. Recently though social workers will be changing roles. They are becoming interventionists rather than part of the assessment team. So, the discussion will change based on that.
- I am paired with a social worker. We work as a team and lead the discussion.
- Administration reads through the sheet during Child Study. The school psychologists want to be at these meetings but can't due to time constraints.
- The school psychologist and social worker have information for this discussion.
- Administrator, school psychologist, chairperson, secretary, general education teachers, speech, special education teachers, social worker. We've created forms. We are slowly changing the mindset and teacher that prior to the meeting we need data.
- Our Child Study team: social worker, school psychologist, special education teacher, and others as necessary. Our special education teachers help with finding the impact.
- The school psychologist and social worker lead these discussions as a team.
- School psychologist, social workers are involved to a lesser degree, special education coordinators run the meetings.
- Administration, teacher, parent, special education teachers, specialists such as OT or PT.

*Table 11: How does your school building discuss the exclusionary clause factors of socioeconomic/environmental disadvantage, culture, and ESL?*

- We discuss homelessness, moves, trauma, lack of attendance, language differences. If a student has just moved, we don't refer for special education. We include an interpreter during ESL cases. We use Cross-Battery assessment and the CLIM [Cultural-Language Interpretive Matrix]. We rule out language using the Woodcock-Johnson Oral Language Test in both English and Spanish.
- The factors are seldom discussed. The team assumes "nope, that's not the reason" and moves on. If discussion does take place, the discussion always goes back to what is primary, the main reason behind it, and it is always assumed that it isn't the factors. It becomes very circular. They want the services.
- We discuss absences, transfers, moves, language acquisition. We do have attendance plans in place for those we have concerns about.
- A lot of this information is in the sociocultural report. There is a table that goes through the different factors: vision, hearing, motor concerns, appropriate instruction, disadvantage, linguistic factors. All of it is spelled out. We have a cut-off for attendance, 15% of the school year. We look at motivation, effort, and other things like that as well.
- The social worker lists potential problematic factors, but there is always the discussion about how these factors may or may not be primary. There is good understanding surrounding language and how that is impactful. We can have discussions about that, but socioeconomic disadvantage is vague. How do we discuss the impact when all of our students are living in poverty?
- Poverty is difficult because so many of our students are living in poverty. We do discuss absences, tardies, early release: what are they missing and how much have they missed?
- The number for caseloads are big concern right now, which impacts everything else. We have screeners to look at these factors and the sociocultural report that we do for initials and triennials. We look at the curriculum: their reading level, basic numbers, letters, the appropriate education piece. Absences, across educational career and recent tardies or skipping, if there are concerns we need them to be in school to prove the appropriate education piece. For ESL students, lots of teachers don't understand the impact of language. We use the CLIM to rule-out language.
- We discuss vision and hearing screenings, the living situation: are they living in a car, shelter, apartment? We have certain shelters that give academic support to our students and others that do not. We discuss how long they've been stable: a year versus just moved. We use the WIDA ACCESS test for ESL students, with a one being the lowest and six being the highest, which means adequate English. We talk about moves in the past as well. If they've moved 20 times, that's impactful. I have these discussions, but it really depends on the school. Some just buzz through the homeless kids because we have such a high population and because there is no way to truly rule it out.

- We have a lot of conversations about language. Is there a processing deficit such as memory or is it verbal skills? Parents are a critical piece in this discussion, using their knowledge, comparing to other siblings and information about factors outside of school. We use all of their information in our decisions, factor it in.
- We are in a rural area; there was a shutdown of the coal industry. This leads to a blind eye to socioeconomic disadvantage. It's 75% of our population. For ESL students, we have conversations about English proficiency and meeting a certain level that is documented before we move forward with an evaluation. We also have a cutoff for absenteeism, 10%. That helps our conversation about appropriate education.

*Table 12: How can the exclusionary clause be used to shape interventions?*

- I feel Special Education is separate from RTI, and this is a way to bring them together. But it isn't happening.
- I think this would be great! I don't know how it would shape it, but what a great idea.
- We become testing machines. It would be great to create relationships with the home; get the families involved, work with the families. The only thing we really have is our attendance plans.
- We discuss these things, talk about the impact it can be having, but it hasn't shaped our intervention apart from what we have in place academically.
- I'm not sure; it isn't happening here.
- It can be used to fit your school's needs: academics, behavior, absences, pressing concerns.
- It can help us focus on the needs. Going through an evaluation and finding out a student has missed 60 days of school that year; we need to get this kid in school!
- It is common sense for our schools. We can fit the needs of our schools by having these factors in the back of our heads always. An ESL student coming to our country, we can put extensive interventions in place based on needs and track growth with data.
- It forces us to try harder before identifying a child. This is a pushback, "What have you tried?"
- I believe it can help us focus on attendance, on-task behavior, things like that.

*Table 13: Is the Specific Learning Disability exclusionary clause a current concern for you?*

- Yes, it is. It protects the rights of our students.
- It is for me, but not my schools. It is something we should be talking about, but they make assumptions about what is primary and, in the end, want the services.
- It is a concern for me. We should discourage referral when it is difficult to rule out other factors. Like when we can't rule out the home: living in a horrible environment, CPS has become involved, that is going to affect a kid's academics.
- It is a current concern. The worksheet was created because our initial hit rate was bad. This information will hopefully bring down our number of assessments and lead to correct placement.
- It is a concern. The discussion is important.
- Yes, it is. We can tailor our resources to fit the needs of the kids.
- Yes, it is on my mind, especially appropriate education, we need a definition from administration because it can affect the whole school system.
- Yes, with our high population of students who live in poverty and our homeless and our population of ESL students; it is a concern.
- It is a concern because the Office of Civil Rights is talking about high identification of minorities. We use Sam Ortiz's program for identifying ESL students.
- Yes, it is. These are conversations we have to have.

*Table 14: Do you believe the exclusionary clause is an important piece of the Specific Learning Disability criteria?*

- I do believe it is important because we forget that special education isn't a magic fix. Many teachers believe that it is. The clause protects the rights of the child, makes sure we are placing children correctly into special education, that we are considering these factors that can be impactful.
- Yes, but not the way we treat it. We have circular discussion based on getting services. I think it is important outside (of our district). That those discussions are taking place.
- It is extremely important. A student with chronic attendance issues and 10 school transfers...they are missing 170 to 180 days cumulatively. A whole year of instruction! If we don't look at the factors, we could be missing big pieces; adequate instruction in this case.
- The information talked about can bring down our number of assessments and lead to correct placement for our students.
- I feel it is important and not looked at enough because it makes sure we aren't missing something.
- Yes, discussing and thinking about these factors leads to better decision making. We have this idea that a discrepancy is an automatic decision, but there are outside factors. We can over-identify SLD.
- Absolutely! We should not be labeling children who are not disabled as disabled. This is protection for our kids.
- I guess I do. It is common sense to talk about these factors. Regular education has a responsibility for the learning of curriculum. There are often no adjustments or consideration for alternate ways of teaching and learning: the idea of one way, that's it. This is a way to hold the school accountable.
- Yeah, it forces creativity; holds us accountable.
- It's important because hearing and vision need to be corrected, language acquisition impacts a student's ability to learn, impact of these factors on academics. We need to focus on the first steps first: Is growth happening? If the student is struggling, then why? Is it a lack of instruction? If they aren't in school, they can't be taught!

*Table 15: What do you feel is the exclusionary clause's function or intent?*

- It frames discussion about whether or not it is a true disability versus experience, exposure, or lack of accommodation or intervention in the classroom. I think it can fulfill that function when discussed.
- I feel it is meant to ensure the factors have been considered and that we are not over-identifying students as having SLD. No, the team just checks the box at the end of the sheet, we may have some circular discussion leading back to services and making assumptions about what is primary, but we move on quickly.
- It helps us accurately identify students and talk about things like appropriate education.
- It makes sure that it is a disability rather than other things, other factors. Yes and no, we are and need to be using it for every initial. Diagnosing a student with ADHD when they have attendance issues or other things happening at home; these are discussions we should be having.
- Making sure we aren't missing something important.
- It makes sure the Eligibility teams are making the best decisions.
- Like I said, it protects our kids and leads to the right labeling.
- First, I think it helps identify a school's primary concerns. Second, it holds the school accountable. We can't identify a kid as having an SL just because they are homeless, lack money, lack resources. We must have interventions in place prior to that. Yes and no, interventions and tracking need to be taking place; we need to make adjustments based on data. This idea of appropriate education, we need criteria for appropriate education; we need parameters.
- It forces us to try harder before identifying a child. This is a pushback, "What have you tried?" It forces creativity; holds us accountable.
- It helps us identify what students are in need.

*Table 16: How closely do you think your current practices fulfill the intent of the law?*

- I'm discussing it, making it a part of the conversation that we have. It was never discussed before.
- We aren't. I think it would make a difference in my school discussing these factors at the beginning of Eligibility rather than leaving it for the end.
- We are having meaningful conversations and trying to fit our kids needs using the resources we have.
- We are doing everything that we can: our worksheet for Child Study discussion, our eligibility discussion using the social worker's table to discuss any concerns.
- It is being discussed by myself and the social worker. We use the social history. The social worker lists potential problematic factors.
- I'm fulfilling the law, but there is definitely a difference across our schools.
- We are having these conversations and building teachers' knowledge about these factors.
- There's best practice, this idea, and then there's what is practical, the reality of what we have access to and the time limitations. We have one hour for Eligibility. So, overall, I'm doing the best I can with what I have.
- We are beginning to have these conversations in Child Study and really focus on language and making sure we have done everything we can before referral.
- Not the ideal yet. This is a topic of discussion at Child Study; we are using a checklist and tinkering with it to make it fit our needs.

*Table 17: Do you feel that you fully understand how to consider the exclusionary clause from a legal perspective?*

- My training helped me, giving me the tools to discuss it and make sure those conversations are happening.
- It makes sense, implementation is the problem, making sure the discussion is taking place. We aren't practicing with fidelity.
- As long as schools are having these discussions, I feel like we are doing what we should be doing.
- We are having these discussions, which is what it says to do. We are going beyond by using that sheet for all of our initials and talking about these factors for all of our kids.
- I feel I have a moderate understanding. That I'm familiar with it. But I would not feel comfortable in a courtroom, explaining it.
- Yes, but there is difficulty with certain factors: poverty. How can we define disadvantage with so many of our children being disadvantaged?
- The appropriate education piece: we need a definition from administration because it can affect the whole school system.
- With how it is, yes, but I want more parameters. Appropriate education should be based on administration decision, not me. They have a responsibility to their school. The idea of good classroom management and being able to teach the curriculum and use interventions. So, a definition of appropriate education would be extremely helpful.
- We are beginning to have these conversations in Child Study and really focus on language and making sure we have done everything we can before referral. This leads to big disputes, but no changes in decision-making. There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable.
- Yes, we do, but how do you define some of these factors when it is the majority of our population? We have three-fourths of our population living in a disadvantage.

*Table 18: Did your training for becoming a school psychologist prepare you to discuss the exclusionary clause?*

1. Yes, it did, especially when it comes to the ESL population in my school, trauma, homelessness, lack of attendance especially in kindergarten and first grade, home-school collaboration, and how all these factors impact our kids.
2. Experience was a large piece for me. On-the-job learning is the best teacher. My training only went so far.
3. I believe the experiential pieces prepared me more. There are certain things that can't be taught in a classroom.
4. My training prepared me to work in multiple states; there are certain nuances, but overall themes and expectations are similar.
5. Experience was my teacher.
6. My training was great; I was well-educated on what to do. But my experiences gave me confidence in my decision-making abilities.
7. There was a combination of using my training, my filing cabinet, and learning on internship. This is how it works in the real world. Experience is important.
8. Things have changed a lot since I've been a school psychologist. After 10 years on the job, I took some training opportunities focused on ICT. I had that in place for 5 to 6 years and that was super helpful but hard to maintain. It brought down our assessments numbers. I think everyone should have ICT training. It looks beyond pre and post data: what can we do right now with what we have?
9. I learned a lot on the job.
10. I was taught a long time ago. We didn't focus on cultural diversity. I've gone to seminars and specialized trainings for that, which have been very helpful.

*Table 19: Would you make changes to current practices surrounding the exclusionary clause?*

- We need a mindset change. Special education isn't a magic pill. Special education is not always the answer and it is not the only answer. Getting others to understand the impact of poverty, of language acquisition; that's what we need.
- Yes, I would. We need to at least begin our discussion at the start of Eligibility to battle the assumptions taking place.
- Yes, consistency is the biggest thing. Teams across the schools need to be consistent in the discussion that are taking place and the decisions being made. With some teams, there is a heavy use of these factors. Others disregard it.
- We have made changes. The worksheet was created because our initial hit rate was bad. This information will hopefully bring down our number of assessments and lead to correct placement.
- There is a good understanding surrounding language and how that is impactful and how we can look at it. But socioeconomic disadvantage is vague. How do we define it and pull apart the impact, especially when the whole school is living in poverty? The social worker lists potential problematic factors, but there is always the discussion about how these factors may or may not be primary.
- We've created forms. We are slowly changing the mindset and teacher that prior to the meeting we need data for the RTI process, that has an impact on eligibility.
- Discussion can be difficult when children are homeschooled, or classroom management is a concern. How do we define appropriate education in those instances? We need a definition from administration, enforced by them, because of the impact on the school. Also, a more collaborative team process, having people who understand the criteria, and those people helping explain that to the parents who don't understand the process and the reasoning behind asking these questions.
- There's best practice, this idea, and then there's what is practical, the reality of what we have access to and the time limitations. We have one hour for Eligibility. So, overall, I'm doing the best I can with what I have.
- We are struggling with the intervention piece, keeping track of data. We need to focus on what we can do prior to referral for special education.
- I want a checklist for Child Study. We keep having to backtrack and waste time, energy, and resources because referrals are going forward that shouldn't be.

*Table 20: How impactful or meaningful is the discussion of the exclusionary clause in the eligibility decision?*

- Students are found not eligible based on our discussion. These factors have a huge impact on our students.
- It is not impactful or meaningful in the way we are currently talking about it, and I want that to change.
- It is very impactful. It has changed decisions.
- It's both impactful and it isn't. The admins have this worksheet that they go through, but we are still having discussion at Eligibility that lead us back to outside factors that are impacting our students. The school social worker is doing a lot that work: outside factors like symptoms of ADHD, recent divorce, other traumas. These conversations are still taking place at Eligibility, so we are not seeing a decrease in number of assessments yet.
- The discussion is important, and it's something we do, but it hasn't impacted decisions in the two years I've been here.
- It has had an impact. Looking at trauma, environmental/economic disadvantage.
- It has absolutely been impactful. It has led to different decisions multiple times.
- It is very meaningful for the right cases: homelessness, moves, language concerns.
- Our discussion leads to big disputes.
- Very impactful. We are talking about the elephant in the room: Are these kids in school? Are we doing all we can prior to considering special education?

*Table 21: Has there ever been a case where the discussion changed the eligibility decision?*

- Yes, homelessness, recent moves, lack of attendance, all of this can be because environment and can lead to missed instruction. We use information from the Woodcock-Johnson Oral Language Test to rule-out ESL, looking at both English and Spanish.
- No, I don't think so. We avoid it.
- It has changed decisions. A student with chronic attendance issues and 10 school transfers...they are missing 170 to 180 days cumulatively. A whole year of instruction! If we don't look at the factors, we could be missing big pieces, adequate instruction in this case.
- I know of at least three cases where we ruled out SLD. Linguistic factors are a big thing. They are still learning the language let alone being able to learn academics. We have to explain, "It can't be a disability because..." The worksheet may help teachers begin to understand and bring us kids who need referrals because they are struggling beyond these factors rather than because of the factors.
- It hasn't impacted decisions in the two years I've been here.
- Yes, trauma, looking at ACES and talking about the impact, the disadvantage piece. The issue is that team by team the interpretation of these factors and what is seen as primary can be very different.
- Yes, multiple times, mostly talking about absences or other types of missed instruction and the impact of that.
- Absolutely, more than once! Trauma, talking about social history, the impact of that. In those situations, I provide a list of outside providers, talk about school counseling, focus on creating a positive relationship between parent and school or at least offer it. Some parents may sign and say they don't want it, but it's offered. We talk about homelessness and argue lack of resources and appropriate education; what academic interventions in place?
- It has led to dissent. Our discussions do not usually end in a unanimous decision. There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable.
- There have been cases: absent for 180 days altogether, not passing vision or hearing screenings. I really think a checklist at Child Study would help us with accountability.

*Table 22: Do you feel there is a best practice for discussing the exclusionary clause?*

- There may be an idea, but the difficulty is subjective versus objective factors. Poverty, academic exposure, those are subjective unless defined somehow. For absences, we have a cutoff; that is more objective.
- I do think there is a best practice. Focusing on RTI, what interventions did we put in place first? Making sure we are practicing with fidelity. The problem is we don't have the personnel. More personnel focusing on intervention and with good training for intervention work: social workers, TDT counselors, more intervention support.
- Yes, like I said before, consistency across teams and teachers understanding the impact of the factors, not referring kids where the factors muddy the water and more intervention is needed.
- For our division, yes there is a best practice. I don't know if that reflective of other schools. We have had to retrain our teachers because of an increase in turnovers. We lost 70% of our teachers in the last four years which has had an impact on our referral system. We needed the worksheet for our system to begin working again.
- Yes, using a specific checklist for these factors could be impactful just like the criteria sheet we use but specifically defining these factors and looking at these factors. I think that would be beneficial.
- Yes, we need consistency across teams/schools and clarification, clearer guidelines for environmental, cultural, economic disadvantage.
- Building teachers' knowledge about these factors, appropriate education piece, having a definition from administration, and a more collaborative team process, having people who understand the criteria, and those people helping explain that to the parents who don't understand the process and the reasoning behind asking these questions. I want evaluators and interventionists to work together or the evaluators to become interventionists, be more involved, as well.
- Yes, I do, putting something into place right then at Child Study rather than waiting to see what happens.
- I think there could be if we agreed upon something, at least across Virginia. I don't know what that looks like.
- Yes, the idea of a checklist at Child Study. Making sure we have done what we can first!

*Table 23: If you had the opportunity to apply the exclusionary clause in a meaningful manner, would you?*

- There is a tendency of teachers to send students to Child Study and stop intervention services. This is something that needs to change.
- My first goal would be the changes to RTI, using that in a better way first. Then, changing the time of our discussion from the end to the beginning for meetings. My thoughts go back to our TDT counselors: our system needs more consistency with intervention training and what intervention looks like.
- I'm doing it with my team. I want to see it with other teams.
- We need to continue using the worksheet and make changes to bring those assessment numbers down.
- I would; using that sheet I think would make a big difference in my district.
- Yes, we need consistency across our schools and more clarification for certain factors.
- We are working on that by using our forms and continuing to build knowledge in our schools.
- Yes, going through the criteria in-depth, looking at all the factors influencing the kids.
- It is a current concern for us because of the focus on overidentification. We are working on RTI, intervening beforehand, letting it shape what is needed.
- It is something that we are doing especially in Eligibility, but we can do better with conversations beginning at Child Study.

*Table 24: How might the process be impacted if the exclusionary clause were discussed during Child Study rather than waiting for the Eligibility meeting?*

- Our caseload numbers would drop. We'd be looking at things like ESL, poverty, appropriate education beforehand and that would have an impact. Right now, we are finding a lot of students ineligible. Something to consider.
- It would completely change the structure of our identification process. We would have fewer assessments. I think it would be difficult. Changing our discussion to the beginning of Eligibility seems like a more doable change at the moment.
- We are having these discussions earlier, but we need to use our teacher checklist more consistently, teach them the impact of the factors.
- We are doing this. The dream or hope is that assessment numbers go down and our initial hit rate would go up.
- We would have more meaningful discussion and perhaps decisions would be impacted.
- If done correctly, evaluation rates would go down, correct referrals would take place, we'd find true disabilities and be able to talk about the kids who are simply struggling and need more or different intervention support.
- It might save time with assessing, the number of assessments. We'd have more time for interventions. I at least want to us talking about interventions to fit those concerns: academic, behavioral, social-emotional.
- It can lead to intervention happening beforehand and changes happening to the interventions. We can let our children's need shape what we do and what resources we can use.
- I want a checklist for Child Study. We keep having to backtrack and waste time, energy, and resources because referrals are going forward that shouldn't be.

*Table 25: If you had all of the resources in the world, what would you do to help with issues surrounding the exclusionary clause?*

- I would have an impact on home life. Students are a product of their environment. Drugs, behavioral issues, trauma, other things these kids face: how can we rule out environment?
- Find our purpose as school psychologists: we do lots of assessments but what's the difference we are making? We know Special Education does not lead to better outcomes. There's an overall lack of training in intervention and lack of involvement. There's a lack of flexibility because the assessment piece is so big. We get no reward for the work we put in. What are we seeing? I want to focus on changing lives for the better. My passion is to focus on resilience as far as youth development, and I want to continue building programs that help kids in that way. We need more training. Social workers and School Psychologists focused on interventions, working together as a team, they go hand-in-hand. We need more school psychologists: one per school would be great! Then, our role becomes interventionist and consultant. We can find our purpose and see that change.
- Giving parents access to mental health resources, making it easier for them. We have these families who are below the poverty line and can access Medicaid and we have others who have money and can afford insurance, but there is nothing for those in the middle. I would want to level the playing field for our students: food, running water, these basic necessities are a concern for many. We have students with significant disadvantages, living in extreme poverty. How can they learn with that environment? How can we rule-out when they need these basic things?
- We need more school psychologists. To meet NASP expectations of 1 school psychologist for every 500 to 600 kids that would open up our schedules and lead to much more time for other things, like attending Child Study. We also need to have a knowledgeable and available team for intervention, progress monitoring, and these types of discussions.
- Teaching parents would be helpful, if we could reach the parents we are targeting, those with limited resources. Our kids are not meeting benchmarks and our parents are not able to help with homework at home. I've tried this before; the top 10% came, which was great but not the goal. My target parents are facing a lot: transportation can be an issue, working multiple jobs. So, how do we reach them?
- More of us would be extremely impactful, us being teamed with social workers, being part of the pre-referral process, able to do trainings, and focus on trauma. Having a set team: one special education administrator, one social worker, one school psychologist, going to neighboring schools to minimize travel, that would lead to consistency and more of a team effort, being on the same page, having more time.

- Our tier two and three interventions are all computer-based. Not all students learn that way. It is very limiting. I want a variety of interventions: small group opportunities, more pre-referral diagnostic information, specifics for math, reading, and writing.
- Programs that teach students to read in their own language as well as English, like those programs that have classes in the morning in Spanish and in the afternoon in English. Programs to teach our parents English, help with that home-school. relationship. A program that offers breakfast, lunch, dinner, social skills, academics, arts and crafts, field trip, surrounding behavior and social-emotional support. Poverty doesn't just affect learning; it is a culture. It doesn't always allow for appropriate expectations, values, morals. Also, training for teachers: classroom management, teaching the curriculum. More school psychologists, more of us means more time for consultation and building relationships with teachers rather than being the expert in the room.
- We need trauma training; assuming trauma rather than waiting, especially for our kids from other countries. A Vocational Program would be beneficial too. Our older students, 16 or 17 years old, coming to our country with no English or very little; we could teach them trades.
- I think we need to hold parents more accountable for student attendance. We need to look at total absences including tardies and leaving early. What are they missing? Pinpoint that missed instruction; the idea of leaving at 1 pm versus a couple of minutes before the end of the day.

## Appendix E

## Tables for Research Question Three and Four: Themes Related to School Needs

*Table 1: Definition for Exclusionary Clause Factors.*

1	<ul style="list-style-type: none"> <li>• [T]he difficulty is subjective versus objective factors. Poverty, academic exposure: those are subjective unless defined somehow. For absences, we have a cutoff; that is more objective.</li> <li>• Students are a product of their environment. Drugs, behavioral issues, trauma, other things these kids face: how can we rule out environment?</li> </ul>
2	<ul style="list-style-type: none"> <li>• If discussion does take place, the discussion always goes back to what is primary, the main reason behind it, and it is always assumed that it isn't the factors. It becomes very circular.</li> </ul>
3	<ul style="list-style-type: none"> <li>• [F]ood, running water, these basic necessities are a concern for many. We have students with significant disadvantages, living in extreme poverty. How can they learn with that environment? How can we rule-out when they need these basic things?</li> <li>• The teachers do fill out a form prior to referral. This form is part of a file review where they look at things like absences, transfers, environment, language.</li> </ul>
4	<ul style="list-style-type: none"> <li>• We have an exclusionary clause worksheet to use during these meetings. It is meeting the needs of our system.</li> <li>• Administration reads through the sheet during Child Study.</li> <li>• The worksheet was created because our initial hit rate was bad.</li> <li>• The worksheet may help teachers begin to understand and bring us kids who need referrals because they are struggling beyond these factors rather than because of the factors.</li> </ul>
5	<ul style="list-style-type: none"> <li>• The social worker lists potential problematic factors, but there is always the discussion about how these factors may or may not be primary. There is good understanding surrounding language and how that is impactful. We can have discussions about that, but socioeconomic disadvantage is vague. How do we discuss the impact when all of our students are living in poverty?</li> <li>• Using a specific checklist for these factors could be impactful just like the criteria sheet we use but specifically defining these factors and looking at these factors. I think that would be beneficial.</li> <li>• [U]sing that sheet, I think, would make a big difference in my district.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Poverty is difficult because so many of our students are living in poverty.</li> <li>• [B]ut there is difficulty with certain factors: poverty. How can we define disadvantage with so many of our children being disadvantaged?</li> <li>• The issue is that team by team the interpretation of these factors and what is seen as primary can be very different.</li> </ul>

	<ul style="list-style-type: none"> <li>• We need...clearer guidelines for environmental, cultural, economic disadvantage.</li> <li>• We've created forms. We are slowly changing the mindset and teacher that prior to the meeting we need data.</li> </ul>
7	<ul style="list-style-type: none"> <li>• We have screeners to look at these factors.</li> <li>• The appropriate education piece: we need a definition from administration because it can affect the whole school system.</li> <li>• Discussion can be difficult when children are homeschooled or classroom management is a concern. How do we define appropriate education in those instances?</li> </ul>
8	<ul style="list-style-type: none"> <li>• Some [schools] just buzz through the homeless kids because we have such a high population and because there is no way to truly rule it out.</li> <li>• [W]e need criteria for appropriate education; we need parameters.</li> <li>• I want more parameters. Appropriate education should be based on administration decision, not me. They have a responsibility to their school. The idea of good classroom management and being able to teach the curriculum and use interventions.</li> </ul>
9	<ul style="list-style-type: none"> <li>• There is a difference between conversations about appropriate education versus an appropriate amount of education. We have strict cut-offs for attendance, but other pieces of appropriate education are more interpretable.</li> </ul>
10	<ul style="list-style-type: none"> <li>• We are in a rural area; there was a shutdown of the coal industry. This leads to a blind eye to socioeconomic disadvantage. It's 75% of our population.</li> <li>• [H]ow do you define some of these factors when it is the majority of our population? We have three-fourths of our population living in a disadvantage.</li> <li>• We try to rule out before referral. During Eligibility, we have a document, a checklist, for the factors.</li> <li>• We are using a checklist and tinkering with it to make it fit our needs.</li> <li>• I want a checklist for Child Study. We keep having to backtrack and waste time, energy, and resources because referrals are going forward that shouldn't be.</li> <li>• I really think a checklist at Child Study would help us with accountability.</li> </ul>

*Table 2: Resources.*

1	<ul style="list-style-type: none"> <li>• Our caseload numbers would drop.</li> </ul>
2	<ul style="list-style-type: none"> <li>• We do lots of assessments but what's the difference we are making? ... We need more school psychologists: one per school would be great! Then, our role becomes interventionist and consultant. We can find our purpose and see that change.</li> </ul>
3	<ul style="list-style-type: none"> <li>• We become testing machines. It would be great to create relationships with the home; get the families involved, work with the families.</li> </ul>
4	<ul style="list-style-type: none"> <li>• We need to continue using the worksheet and make changes to bring those assessment numbers down.</li> <li>• We need more school psychologists. To meet NASP expectations of 1 school psychologist for every 500 to 600 kids that would open up our schedules and lead to much more time for other things, like attending Child Study.</li> <li>• We are doing everything that we can.</li> </ul>
5	<ul style="list-style-type: none"> <li>• More of us would be extremely impactful, us being teamed with social workers, being part of the pre-referral process, able to do trainings, and focus on trauma.</li> </ul>
6	<ul style="list-style-type: none"> <li>• If done correctly, evaluation rates would go down.</li> </ul>
7	<ul style="list-style-type: none"> <li>• There's best practice, this idea, and then there's what is practical, the reality of what we have access to and the time limitations. We have one hour for Eligibility. So, overall, I'm doing the best I can with what I have.</li> <li>• It might save time with assessing, the number of assessments.</li> <li>• More school psychologists, more of us means more time for consultation and building relationships with teachers rather than being the expert in the room.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Not the ideal yet. This is a topic of discussion at Child Study; we are using a checklist and tinkering with it to make it fit our needs.</li> <li>• We keep having to backtrack and waste time, energy, and resources because referrals are going forward that shouldn't be.</li> </ul>

*Table 3: Intervention.*

1	<ul style="list-style-type: none"> <li>• There is a tendency of teachers to send students to Child Study and stop intervention services. This is something that needs to change.</li> <li>• I would have an impact on home life. Students are a product of their environment. Drugs, behavioral issues, trauma, other things these kids face—how can we rule out environment?</li> </ul>
2	<ul style="list-style-type: none"> <li>• I do think there is a best practice. Focusing on RTI—what interventions did we put in place first? Making sure we are practicing with fidelity. The problem is we don't have the personnel. More personnel focusing on intervention and with good training for intervention work—social workers, TDT counselors, more intervention support.</li> <li>• My first goal would be the changes to RTI, using that in a better way first. Then, changing the time of our discussion from the end to the beginning for meetings.</li> <li>• We need more training. Social workers and School Psychologists focused on interventions, working together as a team, they go hand-in-hand.... We need more school psychologists: one per school would be great! Then, our role becomes interventionist and consultant. We can find our purpose and see that change.</li> </ul>
3	<ul style="list-style-type: none"> <li>• More intervention is needed.</li> <li>• Giving parents access to mental health resources, making it easier for them. We have these families who are below the poverty line and can access Medicaid and we have others who have money and can afford insurance, but there is nothing for those in the middle. I would want to level the playing field for our students: food, running water, these basic necessities are a concern for many. We have students with significant disadvantages, living in extreme poverty. How can they learn with that environment? How can we rule-out when they need these basic things?</li> </ul>
4	<ul style="list-style-type: none"> <li>• We also need to have a knowledgeable and available team for intervention, progress monitoring, and these types of discussions.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Teaching parents would be helpful, if we could reach the parents we are targeting, those with limited resources. Our kids are not meeting benchmarks and our parents are not able to help with homework at home. I've tried this before; the top 10% came, which was great but not the goal. My target parents are facing a lot: transportation can be an issue, working multiple jobs. So, how do we reach them?</li> </ul>
7	<ul style="list-style-type: none"> <li>• I want evaluators and interventionists to work together or the evaluators to become interventionists, be more involved, as well.</li> <li>• Our tier two and three interventions are all computer-based. Not all students learn that way. It is very limiting. I want a variety of interventions---small group opportunities, more pre-referral diagnostic information, specifics for math, reading, and writing.</li> </ul>
8	<ul style="list-style-type: none"> <li>• [P]utting something into place right then at Child Study rather than waiting to see what happens.</li> </ul>

	<ul style="list-style-type: none"> <li>• Programs that teach students to read in their own language as well as English, like those programs that have classes in the morning in Spanish and in the afternoon in English. Programs to teach our parents English, help with that home-school relationship. A program that offers breakfast, lunch, dinner, social skills, academics, arts and crafts, field trip, surrounding behavior and social-emotional support. Poverty doesn't just affect learning; it is a culture. It doesn't always allow for appropriate expectations, values, morals.</li> </ul>
9	<ul style="list-style-type: none"> <li>• A Vocational Program would be beneficial too. Our older students, 16 or 17 years old, coming to our country with no English or very little—we could teach them trades.</li> </ul>
10	<ul style="list-style-type: none"> <li>• Making sure we have done what we can first!</li> <li>• I think we need to hold parents more accountable for student attendance. We need to look at total absences including tardies and leaving early. What are they missing? Pinpoint that missed instruction; the idea of leaving at 1 pm versus a couple of minutes before the end of the day.</li> </ul>

Table 4: Consistency in Teams and Training.

1	<ul style="list-style-type: none"> <li>• I do believe it is important because we forget that special education isn't a magic fix. Many teachers believe that it is.</li> <li>• There is a tendency of teachers to send students to Child Study and stop intervention services. This is something that needs to change.</li> </ul>
2	<ul style="list-style-type: none"> <li>• It is for me, but not my schools. It is something we should be talking about, but they make assumptions about what is primary and, in the end, want the services.</li> <li>• Our system needs more consistency with intervention training and what intervention looks like.</li> <li>• We need more training. Social workers and School Psychologists focused on interventions, working together as a team, they go hand-in-hand.</li> </ul>
3	<ul style="list-style-type: none"> <li>• The teachers do fill out a form prior to referral. This form is part of a file review where they look at things like absences, transfers, environment, language. Many don't understand the impact of these factors, which leads to further discussion during Eligibility.</li> <li>• [C]onsistency is the biggest thing. Teams across the schools need to be consistent in the discussion that are taking place and the decisions being made. With some teams, there is a heavy use of these factors. Others disregard it.</li> <li>• [L]ike I said before, consistency across teams and teachers understanding the impact of the factors, not referring kids where the factors muddy the water and more intervention is needed.</li> <li>• I'm doing it with my team. I want to see it with other teams.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Linguistic factors are a big thing. They are still learning the language let alone being able to learn academics. We have to explain, "It can't be a disability because..." The worksheet may help teachers begin to understand and bring us kids who need referrals because they are struggling beyond these factors rather than because of the factors.</li> <li>• We have had to retrain our teachers because of an increase in turnovers. We lost 70% of our teachers in the last four years which has had an impact on our referral system. We needed the worksheet for our system to begin working again.</li> <li>• We also need to have a knowledgeable and <i>available</i> team for intervention, progress monitoring, and these types of discussions.</li> </ul>
5	<ul style="list-style-type: none"> <li>• The social worker lists potential problematic factors, but there is always the discussion about how these factors may or may not be primary. There is good understanding surrounding language and how that is impactful. We can have discussions about that, but socioeconomic disadvantage is vague.</li> </ul>
6	<ul style="list-style-type: none"> <li>• I'm fulfilling the law, but there is a difference across our schools.</li> <li>• The issue is that team by team the interpretation of these factors and what is seen as primary can be very different.</li> </ul>

	<ul style="list-style-type: none"> <li>• We've created forms. We are slowly changing the mindset and teacher that prior to the meeting we need data for the RTI process, that has an impact on eligibility.</li> <li>• We need consistency across teams/school.</li> <li>• Us being teamed with social workers, being part of the pre-referral process.... Having a set team—one special education administrator, one social worker, one school psychologist—going to neighboring schools to minimize travel, that would lead to consistency and more of a team effort, being on the same page, having more time.</li> </ul>
7	<ul style="list-style-type: none"> <li>• For ESL students, lots of teachers don't understand the impact of language. We use the CLIM to rule-out language.</li> <li>• We are having these conversations and building teachers' knowledge about these factors.</li> <li>• Building teachers' knowledge about these factors, appropriate education piece--having a definition from administration, and a more collaborative team process, having people who understand the criteria, and those people helping explain that to the parents who don't understand the process and the reasoning behind asking these questions.</li> </ul>
8	<ul style="list-style-type: none"> <li>• My district does not use RTI data, but I do, when possible.</li> <li>• I have these discussions, but it really depends on the school. Some just buzz through the homeless kids because we have such a high population and because there is no way to truly rule it out.</li> <li>• [T]raining for teachers—classroom management, teaching the curriculum.</li> </ul>
9	<ul style="list-style-type: none"> <li>• We need trauma training—assuming trauma rather than waiting, especially for our kids from other countries.</li> </ul>