

## **Exclusionary Factors & Their Role in the Referral Process & in Our FIEs**

**Presented by Georgene Moon, M.Ed.**

The role Exclusionary Factors play in our referral process and in our SLD determination is a critical factor that is too often overlooked. Exclusionary Factors are discussed in federal and state laws as a legal requirement for the determination of SLD. Exclusionary Factors are potential primary and contributory causes of academic skill weaknesses or deficits that are largely external to the individual, noncognitive in nature, or the result of a condition other than SLD (Flanagan, Ortiz, & Alfonso, 2013). Primary use of the Exclusionary Factors Checklist should be during the pre-referral process. The RTI/SST Committee should consider these factors before referral occurs. With training at your district/campus level this would make for much better referrals. If you are lucky enough to be the one doing the training remind them and show them that the Exclusionary Factors are also mentioned on the SLD Disability Report that they sign and are also in the ARD paperwork. If your referral team does not address Exclusionary Factors, make sure you address them in your report.

### **Current Legal Requirements for Exclusionary Factors Relating to SLD**

#### §300.309 Determining the existence of a specific learning disability

(3) The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of--(i) A visual, hearing, or motor disability; (ii) Intellectual Disability; (iii) Emotional Disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency.

### **Documenting Exclusionary Factors**

- ❖ Schools must consciously consider and rule out each of the Exclusionary Factors **PRIOR** to labeling the student with SLD according to federal and state law.
- ❖ BEST PRACTICES... document Exclusionary Factors as part of the referral process.
- ❖ The lack of focus on Exclusionary Factors has resulted in the overrepresentation of minorities and students from low socioeconomic status within special education.
- ❖ Continued overrepresentation has been the driving force behind the implementation of Response-to-Intervention and the diminished use of intelligence testing.

### **Ethical Implications of Disregarding Exclusionary Factors**

- ❖ Negative effects of being labeled as having a disability when one does not actually exist
- ❖ Lowered expectations
- ❖ Watered-down curriculum
- ❖ Inappropriate allocation of resources
- ❖ Many more!

## Ruling out Exclusionary Factors Using the RTI Model

- ❖ Most districts use an RTI model prior to referral for Special Education. One of the things that should be considered is use of an Exclusionary Factors checklist during this pre-referral process.
- ❖ By using the Exclusionary Factors Checklist (Stephens & Moon, 2014), the referral team can determine what outside problems may have caused a child's learning problems in school. Also, it provides a school the necessary documentation that Exclusionary Factors were considered.

## Exclusionary Factors-Other Factors

As previously noted, there are other disabilities that can impact a diagnosis of SLD. Make sure to consider all data gathered for your student before asking for an evaluation for SLD. Some of those are:

- ❖ Other Health Impairments
- ❖ Traumatic Brain Injuries
- ❖ Emotional Disturbance
- ❖ Intellectual Disability

## Ruling out Exclusionary Factors in Your Report

Whether your RTI/Referral Team considers these Exclusionary Factors, make sure that you reference them in your report. They can be easily documented in the "Background Information" section of your report and again very briefly in your summary if indeed, your student does not qualify for services due to lack of consideration of these factors. Here is an easy example.

### **EXCLUSIONARY FACTORS:**

The following factors were considered and need to be excluded as primary contributors to **student's** learning difficulties:

**Vision- Student** is able to pass near vision and distance screening with glasses.

**Hearing- Student** passed her hearing screener unaided.

**Other Health Related Concerns-** Mother and school nurse reported no health concerns at this time.

**Attendance- Student** has had significant attendance problems. (See school history.)

**Experiential Background-** Sociological, cultural and educational opportunities are not of concern for **Student**.

**More training available. Contact Georgene Moon at [msmoon305@sbcglobal.net](mailto:mymoon305@sbcglobal.net)**

## References

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