

## PUBLIC HEARINGS ON PROPOSED IDEIA REGULATIONS

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Thank you for the opportunity to share my views on the IDEIA Proposed Regulations. For many years, I have been involved with teaching and evaluating students with learning disabilities, and preparing students as general and special educators. Among my qualifications for presenting this statement are: I am the author of a widely used book on Learning Disabilities, now in its tenth edition, Co-Editor of the journal, *Learning Disabilities: A Multidisciplinary Journal*, recipient of the 2004 CEC J.E. Wallace Wallin Lifetime Achievement Award, and former Chairperson of the Department of Special Education at Northeastern Illinois University. My comments are directed toward "Procedures for Evaluating and Determining Eligibility for Students with Specific Learning Disabilities" in the Proposed Regulations.

Procedures for Evaluating and Determining Eligibility for Students with Specific Learning Disabilities (SLD) 300.307 (a)(1) and (a) (2). The proposed regulations would allow states to *prohibit* the use of a "severe discrepancy between ability and achievement" in making a determination of eligibility under the SLD category.

I strongly recommend that the proposed regulations for 300.307(a)(1) and (a)(2) be stricken from the Regulations..

The proposed regulations for "Additional Procedures for Evaluation Learning Disabilities" in 300.307 overstep statutory authority. The statutory language allows local school districts discretion to consider a severe discrepancy between achievement and ability, but does not prohibit its use.

The proposed regulations do not meet Congressional intent for the IDEIA -2004. Both the House Committee Report 108-077 to accompany H.R. 1350 and the Senate Report 108-185 to accompany S.1248 state that the LEAs may continue to use discrepancy and conduct evaluations of children for SLD. Both also state that parents have a right to request a full evaluation for their child.

The LEA should be permitted to make decisions about procedures for evaluating learning disabilities as was provided in IDEIA-2004. The State should not be in a position to prohibit evaluation procedures of the LEA.

No detailed plans are given for using Response to Intervention as an evaluation process. For example, how long would a child be subject to this method before an evaluation for learning disabilities is permitted? What method for evaluation would be used for students who do not respond to the intervention? There is no evidence that this method has been tried for any academic area other than early reading instruction. What about mathematics, oral language, written language? The focus of this intervention is young children. What happens to children in more advanced grades? They do not seem to be considered. How will teachers be trained to provide this intervention?

Under the proposed regulations, the category of specific learning disabilities is the only category being denied an evaluation procedure.

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