

DISMISSAL CRITERIA

ASHA (2003) makes the following recommendations for dismissal criteria in the schools. These suggestions differ from the recommendations in the last version of the MSHA document and in the 1999 Guidelines document from ASHA, in order to meet the requirements of IDEA regulations 1997 and 2004. It is suggested that these considerations be made and discussed further by local districts.

The decision-making process for dismissing a child from speech-language services is different for children receiving special education services than it is in the clinical setting. In a clinical setting, dismissal criteria can include issues regarding motivation, attendance, or lack of progress. In special education, however, dismissal decisions must comply with IDEA.

All children who are found eligible for special education must receive services. Eligibility stems from the federal definition of a "child with a disability" and has a two-prong test:

1. Has the child been found to have a disability as a result of an evaluation conducted in accordance with IDEA requirements? AND
2. As a result of having a disability, does the child need special education and related services?

A child may be dismissed from receiving services only when he/she no longer would be identified as having a speech-language impairment. If the child continues to meet those criteria, the child must continue to be served.

So, how is a child to be dismissed? The school team that makes eligibility decisions conducts the two-prong test, reviewing the evaluation data (which can include data on the child's progress in meeting the annual goals). A review of the definitions of speech-language impairment and special education can assist in making the decision.

- ◆ "Speech-language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance." (34 CFR § 300.7)
- ◆ "Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability..." (34 CFR § 300.26)

Children who have a speech-language impairment and no other disability must need special education (specially designed instruction) to be eligible. The converse would also

be true for a child to be dismissed from services –the child with “speech-language only” would no longer need specially designed instruction.

Dismissal from services may occur if:

- ◆ the child no longer has a speech-language impairment; OR
- ◆ although the child has a speech-language impairment, it no longer affects his/her educational performance; OR
- ◆ although the child who has received speech-language services as special education still has a speech-language impairment that affects his/her educational performance, the eligibility team determines that he/she does not need special education;

The question remains as to what options speech-language pathologists have when children are failing to make progress, for any of a variety of reasons. IDEA 2004 includes requirements regarding lack of progress. The IEP team is to “review the child’s IEP to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate to address any lack of expected progress toward the annual goals” (34 CFR § 300.343 (c)). The speech-language pathologist should seek the assistance of the IEP team whenever a child fails to make progress. A number of options could be considered as follows:

- ◆ The child is not motivated to continued working on a communication impairment. The IEP team may determine that the child is having motivational problems in other special education and regular education classes. A joint effort would then be pursued to address motivation. If the IEP team identifies that motivation is a problem only in speech-language services, the SLP may consider a change in intervention focus or service delivery, or discuss other support options with the IEP team.
- ◆ There are extenuating medical circumstances. If the medical circumstance is temporary (i.e., the child is receiving a particular treatment that requires absence from school), the IEP team should reconvene and revise the IEP to reflect the services the child should receive during the medical situation. Documentation should be in place to explain why any service is temporarily discontinued. Upon the child’s recovery and return to school, the IEP should be again revised and services initiated as appropriate. Such a child would not be dismissed from services temporarily.
- ◆ The child is not making progress. If the lack of progress is not related to reaching a plateau that could be anticipated based on the child’s disability, the IEP team should consider the reasons for the lack of progress. In some cases, the cause may be the complexity of the speech-language impairment and the need for the student to receive more specialized speech-language services.

(ASHA, 1993, p. 30-32, reprinted with permission)

When the student has plateaued in his/her progress and multiple attempts have been made to redesign services, the team may discuss whether there is a lack of educational benefit. The team makes decisions about how to proceed with the input of district administrators.