

How a bill becomes a law....

Bill mirrors federal language:
A4314/ A4266

Distinction between “bill” and “regulations”

The bill simply includes the permitted methods for SLD identification. This is “what” you can do to identify SLD for eligibility.

The regulations, i.e., the administrative code is “how” it gets done and all the other procedures and parameters to consider as you use one of the permitted methods. For example, the regs include reference to comprehensive evaluation, psychological processing, pattern of strengths and weaknesses - All that is in the regs as opposed to “attached” to the actual bill language (the “what” you can do) because you need to consider all those procedures/protections no matter “what” the method.

The “who”? Again, that is in the regs - a multidisciplinary team; the expertise and procedural safeguards needed to be part of that multi-disciplinary team is also included in regs.; and doing so, “no single measure..” All that is a given, i.e., already part of the regulations so no need to add it to the actual bill language



Understanding the distinctions...

Legislation	Regulations	Guidance
<ul style="list-style-type: none">● This bill requires the State permit the use of other alternative research-based procedures... Adoption of this method of specific learning disability identification will allow school districts to use identification procedures that are consistent with core research.● This bill prohibits the use of a severe discrepancy between a child's intellectual ability and achievement in determining whether the child has a specific learning disability. The use of severe discrepancy criteria has a long-standing history of controversy and criticism, with many experts believing that the practice should no longer be allowed.	<ul style="list-style-type: none">● The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this section. The regulations shall permit the use of methodologies for determining whether a child has a specific learning disability that are consistent with the provisions of this section.● Admin code must reflect IDEA● NJDOE will need to revise the code to reflect the new criteria.● Our commentary is first step of speaking to this.	<ul style="list-style-type: none">● NJDOE is strongly encouraged to provide specific guidance re: implementation.● NJASP needs to be involved in this with NJDOE and via PD to members and stakeholders <div data-bbox="1354 683 1779 1002"><p>NJDOE: standard protocol, models, procedures – what should be included in regulations (code) and what should be delineated via specific and timely guidance?</p></div>

Bill/Legislation: The “What” and “When”:

Simply, the legislation (bill) is about the method of identification (language to mirror IDEA)

What criteria should be added?



Alternative based research procedures

What criteria stays the same?



A process based on the child’s response to scientific-based intervention

What criteria is eliminated?



Severe discrepancy between ability and achievement

Bill/Legislation: The “What” and “When”:

Simply, the legislation (bill) is about the method of identification (language to mirror IDEA

- Bill/law should be as simple as possible - adding something (Alt Res Proc), keeping what must be kept (RTI) and eliminating something that is problematic (Severe discrepancy)
- In general, experts recommend that bill language should be as brief and concise as possible with minimal technical language
- Statement about need for comprehensive evaluation should be applicable to any method and stated as simply as possible. This is the one statement that is repeated in the language of the bill even though it is also part of the regulations. This was included after considerable discussion among NJASP leadership so to emphasize the importance of a “comprehensive evaluation”.

The Bill Language

- This bill requires the State permit the use of other **alternative research-based procedures**... Adoption of this method of specific learning disability identification will allow school districts to use identification procedures that are consistent with core research, including Pattern of Strengths and Weaknesses method

Alternative based research procedures

- This bill **prohibits the use of a severe discrepancy** between a child's intellectual ability and achievement in determining whether the child has a specific learning disability. The use of severe discrepancy criteria has a long-standing history of controversy and criticism, with many experts believing that the practice should no longer be allowed.

Severe discrepancy between ability and achievement

Bill Language added to emphasize need for comprehensive evaluation

Regardless of the SLD Identification framework, a *comprehensive, multi-disciplinary evaluation* is required. No single measure or assessment may be used as the sole criterion for eligibility.

The Bill: Commentary

There is commentary provided with A4314/A4266. It provides relevant background information, rationale for inclusion of “alternative research-based procedures”, and rationale for prohibition of of Discrepancy Method.

Other relevant info

Where does “psychological processes” go?
Psychological processes already cited in the regulations - federal and state. Again, the bill language is different than regulations and/or guidance - there is not a need to be redundant in the bill language.

Keep it simple

Actual bill language should be simple, concise — technical wording should be avoided

(according to guidance provided by a NJ legislator and legislative aides)

Regulations/Code: The “Who” and the “How” Parameters for implementation

Alternative based research
procedures

New language will be needed

A process based on the child’s
response to scientific-based
intervention

Additional clarification can be
provided

Regulations/Code: The “Who” and the “How”

The State Board of Education shall promulgate regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this section. The regulations shall permit the use of methodologies for determining whether a child has a specific learning disability that are consistent with the provisions of this section.

NJDOE will need to revise the code to reflect the new criteria. That is the specifics and where we need to concentrate energy

Guidance: Additional Clarification

NJDOE and LEAs:
Development additional guidance as needed

NJASP should be at the table for this - at multiple levels -
state DOE, Administrator stakeholders, Membership, and
local levels

Some things to consider...

- ALL methods should include a “comprehensive assessment” as defined in IDEA
- NJDOE will need to revise the code to reflect the new criteria.
- Additional guidance re RTI would be beneficial for districts. NJ is “behind” other states in this area. However, that is not the issue with the bill (districts have always had the option of using RTI it is the only method *required* to be included. Any concerns about RTI is a different “battle”/focus - not the issue here
- An integrated approach to identification/eligibility using data obtained from RTI and a comprehensive assessment that looks at patterns of strengths and weaknesses may be indicated
- Fidelity & integrity in use of alternative research based method (most likely PSW – of which there are a few models
- Falling into the same rigidity habits with PSW as some did with AA-D