

Communicating Eligibility Decisions: Simplicity Sometimes Hurts the School District

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In our desire to express complex decisions simply, we may sometimes shoot ourselves in the foot. This is what happened in a recent New Jersey case. The New Jersey SEA had distributed a computer program (called the Estimator) that produces a decision on whether the student demonstrates a severe discrepancy between ability and achievement, and thus a specific learning disability. A school district used the Estimator to remove a child from special education services. The school district's written explanation mentioned the Estimator's results but little else. While this satisfied a hearing officer, it did not satisfy a federal judge. The judge said basing a decision on the Estimator violated the prohibition against using any single procedure as the sole criterion for determining eligibility. The judge gave no credit to the later testimony to the effect that the school district took many other factors into account, seemingly because the school district's earlier evaluation report did not bear this out. As a result, the school district may be paying tuition reimbursement.

This court decision is questionable, and it may be appealed. Even so, we can take three lessons from it. First, because special education eligibility is rarely a simple thing, a school district should not be overly simplistic in making its eligibility determinations. Second, if a school district has considered several factors, it should make this clear to the reader; a district should not express itself in overly simplistic ways when the district writes its reports and notices. Third, using the tools that a state education agency gives us does not protect us from liability in court.

The complexities of the IDEA are such that we sometimes cause detriment to ourselves – and possibly our students – when we oversimplify the explanations of our actions.

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