

EERA: Eligibility for Special Education Services: Six Years of the ICF-CY Implementation

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Contribution

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The debate around students' eligibility for special education services remains actual due to its preponderance for determining the resources allocation and services distribution (Burke & Ruedel, 2008; Hollenweger, 2008). This is also the case of Portugal that in 2008 enacted a special education law, which prescribed a new approach for defining the target group for special education services based on the use of the International Classification of Functioning, Disability and Health, version for children and youth, ICF-CY (2007), as a common language and framework to guide the assessment and eligibility determination processes. Special education services were defined for students with: *"significant limitations in terms of activity and participation in one or more areas of life, due to structural and functional permanent changes resulting in continued difficulties in communication, learning, mobility, autonomy, interpersonal relationships and social participation"* (Paragraph 1 of Article 1st, Chapter I). In line with this definition, DL 3/2008 introduced the principle that documentation of functioning profiles of students ? reflecting the ICF terminology and framework ? should base eligibility determination.

In the beginning of its implementation the predominant idea among professionals was that the DL 3/2008 had as core aim decreasing the number of students eligible for special education supports. Aware of its impact on professionals' daily work, the Ministry of Education commissioned a two-year research project (2009-2010) with the overall aim to evaluate the national implementation of the DL 3/2008 (Sanches-Ferreira et al., 2013). The results showed that professionals considered the new eligibility definition clearer and fairer than the previous one, determining the provision of special education supports for students whose needs really implies additional supports. Moreover, the comparison of functioning profiles from eligible and non-eligible students showed that the difference between them was in the severity assigned to functioning categories, with eligible

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students being defined by more severe impairments and limitations/restrictions in their profiles, specifically in Body Functions and Activities and Participation components. These results are congruent with the law emphasis on basing eligibility decision-making on severity level of impairments and limitations of Body Functions and Activities and Participation respectively. However, aspects related to Environmental Factors component were not so broadly implemented, what suggested a limited view of the environment's impact on students' functioning, perhaps due to the lack of assessment tools towards this component.

Six years after the ICF-CY implementation, official data from Ministry of Education reveals that - on contrary to the first years of the Decree-Law implementation - the number of eligible students for special education services has been tendentially increasing in the last years. This data seems to mirror a transformative process on the integration of the Decree-Law implementation, showing probably a change on the way on interpreting and using the eligibility criteria. Through a diachronic analysis, this study aims to examine the functioning profiles of students considered eligible for special education services and the assessment process underlying the eligibility decision-making (who is involved and what tools are used), comparing the first two years of implementation with the current state of practices.

Method

This study consists in a comparative documental analysis of students' assessment and eligibility processes - produced on the first to years of the decree-law implementation (between 2009-2010) and the current ones (2014). Documents were selected through a randomized sampling procedure, stratified according to the number of eligible students in the five Regional Directorates of Education in Portugal and within grade levels. Schools principals and parents were contacted to obtain permission for access to student records for data collection and analysis. Schools principals were asked to pair - in both moments - the records from eligible students with the ones from students who were target of a specialized assessment but considered not eligible for special education services. This resulted in a sample size of 140 students whose data will be analyzed in light of the findings from 2009-2010 ? belonging to the two-year research project about the evaluation of the national implementation of the DL 3/2008 ? already published (Sanches-Ferreira et al., 2013). Confidentiality of the collected information was assured by assigning a numeric code to each student's data record, with no reference to personal information of students, their family, professionals involved and the school they belong. Information from records was coded by two members of the research team using a review protocol created for the study. Further, in order to examine the decisions taken by schools in the process of eligibility determination the analysis focused on identification of functioning characteristics of students. The identification of characteristics of functioning, served the basis for making frequency counts of applicable ICF categories and qualifiers. Interrater agreement of 89% concordance was achieved among the two observers. Subsequently, these data were introduced in the database compiled and processed using the Statistical Package for Social Sciences (SPSS).

Expected Outcomes

Data analyses are still in progress. These analyses involve comparing functioning profiles between students eligible and non-eligible for special education services, as well as the information's sources and tools used during the specialized assessment. Results will inform about how professionals are adopting the special education legislation to provide appropriate responses to students' needs. Specifically, we will ascertain how the definition ?significant limitations in terms of activities and participation...due to structural and functional permanent changes? is being implemented. Furthermore, because two different points in time were studied - the first two years after decree-law implementation and the current state of practices -, this study will explore

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possible evolutionary changes on the decree-law implementation. At the moment that several countries, such as Switzerland (Hollenweger, 2011) and Taiwan (Chiu et al., 2013), are developing legislative procedures to revise the eligibility's approach. This study will contribute to disseminate the Portuguese experience of six years implementing the ICF in educational system and specifically, the adoption of a biopsychosocial and functional approach for assessing and substantiating students' needs.

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