

**Comments on New York State's Implementation of the
Individuals with Disabilities Education Improvement Act of 2004**

April 11, 2005

Chartered by the Board of Regents in 1958, the Learning Disabilities Association of New York State (LDANYS) is a statewide parent driven organization, representing thousands of individuals who have learning disabilities and their families throughout the state. A learning disability is a neurobiological disorder, which is developmental in nature. A learning disability manifests itself as a chronic condition in many aspects of learning and behavior across the lifespan and its impact upon an individual's ability to function can be significant. On behalf of the Board of Trustees of Learning Disabilities Association of New York State we thank the New York State Education Department for the opportunity to provide comments regarding the state's implementation of the Individuals with Disabilities Education Improvement Act of 2004.

**Identification of Students Having Specific Learning Disabilities:
Response to Intervention:**

As an organization focused on providing services and advocacy to individuals with learning disabilities, LDANYS has a particular interest in the provisions of IDEA 2004 that address the process by which students will be identified as having specific learning disabilities. LDANYS supports efforts to eliminate the use of the discrepancy model and implement a scientific, research-based response to intervention (RtI) approach instead. We agree that the RtI approach could be beneficial for students in general and conceivably could be successful in reducing the number of students who in the past may have been over-identified, under identified or inappropriately identified as having specific learning disabilities. We also agree that an RtI program that is appropriately implemented by highly qualified instructors, as early as possible, may succeed in minimizing the impact of specific learning disabilities for some students with SLD. However, because RtI is still a relatively new concept, has not been utilized on a wide scale, and has not been adequately assessed for its effectiveness in addressing non-reading based learning disabilities, we urge that it be implemented judiciously. It is imperative that the State Education Department provides significant direction to local districts in terms of how to implement RtI and provide a close level of scrutiny to ensure that the process is being delivered as intended. Adequate funding to ensure school districts are able to provide the high quality, intense instruction that RtI requires is also imperative.