Using RtII to Determine Eligibility for Specific Learning Disability

January 7, 2010
PaTTAN Centers

Agenda

- Legal Background – IDEA 2006
- Technical Adequacy of RtII
- Overview of SLD Determination
- Criteria # 1: Academic Achievement
- Criteria #2: Choosing RtII or discrepancy
- Criteria #3: Rule Out Factors
- Criteria #4: Rule Out Lack of instruction
- Observations
- Eligibility Documentation

Legal Foundations: IDEA 2004

Eligibility for Special Education

1. ***Does the child have a disability?***

   - Autism
   - Deaf-blindness
   - Deafness
   - Emotional disturbance
   - Hearing impairment
   - Mental retardation
   - Multiple disabilities
   - Orthopedic impairment
   - Other health impairment
   - Specific learning disability
   - Speech or Language impairment
   - Visual Impairment

2. ***Does the child need specially designed instruction?***

   - Adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—
     - (i) To address the unique needs of the child that result from the child's disability; and
     - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

§ 300.8; 300.39

Determining SLD

To determine that a child has an SLD, the school district or IU shall:

Use **one** of the following two procedures for each child:

1. **A process based on the child's response to scientific, research-based intervention, documenting that**
   - Student received high quality instruction in regular education
   - Research-based interventions were provided to the student
   - Student progress was regularly monitored

OR

2. **A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement or relative to age**

- IDEA 2004 allows a third identification option – it is not available in Pennsylvania's Chapter 14

§ 14.125(a)(2)

Determining SLD

Can you use both models?

- A district my use both the RTII model and the discrepancy model in particular situations. A district with a plan to phase in RTII over a three to five year period may use RTII in one building and the discrepancy model in another.

- Districts may also choose to use RTII for SLD determination at the elementary level and discrepancy model at the secondary level.

- These and other exceptions must be documented and approved through the special education plan approval process.

Determining SLD

- Each school district and IU shall develop procedures for determination of SLD that conform to State criteria

- Procedures shall be included in special education plans

Determining SLD

The group may determine the child has an SLD if the child:

1. Does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:

(i) Oral expression
(ii) Listening comprehension
(iii) Written expression
(iv) Basic reading skill
(v) Reading fluency skills
(vi) Reading comprehension
(vii) Mathematics calculation
(viii) Mathematics problem solving

Inclusionary Criteria

§ 300.309(a)

Determining SLD

The group may determine the child has an SLD if the child:

2. Does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas when using a process based on the child's response to scientific, research-based intervention

OR

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments

Inclusionary Criteria

§ 300.309(a)

Determining SLD

The group may determine the child has an SLD if:

3. The group determines the results are not primarily the result of :

(i) A visual, hearing, or motor disability;

(ii) Mental retardation;

(iii) Emotional disturbance;

(iv) Cultural factors;

(v) Environmental or economic disadvantage

(vi) Limited English proficiency

Exclusionary Criteria

§ 300.309(a)

Determining SLD

4. To ensure that underachievement is not due to lack of appropriate instruction in reading or math the group must consider:
   - Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel
   - Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents

Exclusionary Criteria

§ 300.309(b)

Determining SLD

Observations – the public agency or group must:

1. Ensure that a child is observed in their learning environment to document their academic performance and behavior in areas of difficulty
2. Decide to use information from
   - an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation

   OR

   - Have at least one member observe academic performance in regular classroom after consent has been given
3. Observe younger than school-age children in an environment appropriate for a child of that age

§300.310(a), (b), (c)

Determining SLD

The public agency must promptly request parental consent to evaluate:

- If prior to referral, a child has not made adequate progress after an appropriate period of time when provided instruction

  and

- Whenever a child is referred for an evaluation

§300.309(c)

Technical Adequacy

Technical Adequacy

- **Definition**
  - Clarify the possible nature and amount of error in decision making
  - Define confidence warranted in conclusions

VanDerHeyden, Witt, Barnett, 2006

- **Purposes**
  - Allows for practitioners and parents to have confidence in the decision process
  - Allows for defense of decision made throughout process

Barnett, et. al. 2006

Technical Adequacy

- Automatically present in most commercial test kits
  - Test authors and publishers do research
  - Technically adequate tool, used with fidelity by a trained person will yield reliable, valid results

- Start with the end in mind
  - Technical Adequacy must be built in to RtII frameworks to ensure reliable, valid results
  - Pennsylvania RtII Implementation Documentation

Technical Adequacy

- Using RtII to determine eligibility
  - RtII cannot be used as an eligibility model until the Bureau of Special Education gives approval to LEA
  - To gain approval LEAs utilize the following tools–
    - ***Using Response to Instruction and Intervention(RtII) for SLD Determination: Application for Approval***
    - ***Using Response to Intervention (RtII) for SLD Determination: Scoring Rubric***
  - Approval is requested for specific buildings and/or grades

Technical Adequacy

Documentation and Evidence of RtII Implementation
Status Self Report: Elementary Schools

- Utilizes 9 key effectiveness indicators of RtII
- Explanations or "look fors" are provided for each
- LEA provides evidence of implementation of each indicator
- Reviewed by BSE, IU, PaTTAN
- Technical Assistance available for completion

Technical Adequacy

- Using RtII for SLD Determination: Scoring Rubric
  - Each of the 9 key indicators are described in a 3 point rubric
    - 3 - Full implementation
    - 2 - Partial implementation
    - 1 - Lacks evidence of implementation
- 27 points needed for full approval
- 23-26 points for partial approval

Technical Adequacy: Reflection

- As you reflect on your own status relative to technical adequacy, discuss areas of strength and weakness within your implementation process.
- How close to full implementation do you think you are at this point in time? (Now, 1-2 years, 2+ years?)

Overview: SLD Determination

Four Considerations

- There are four criteria to consider when identifying a student as eligible for special education under the category of SLD:

2 Inclusionary

AND

2 Exclusionary

Four Considerations

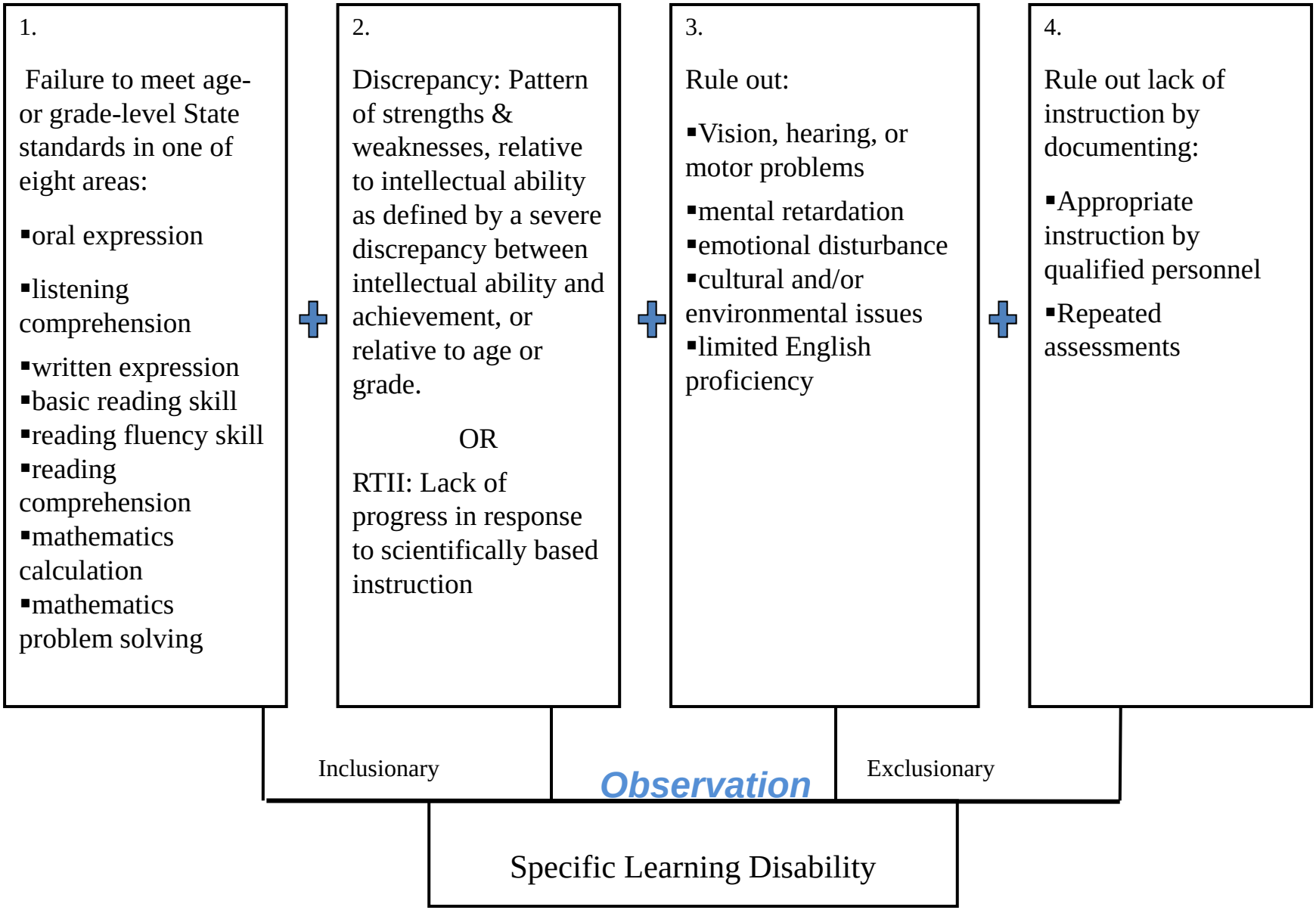
- Three of the four criteria are the same regardless of which identification model used

- One of the four criteria requires a choice

Discrepancy Model

OR

Response to Intervention Model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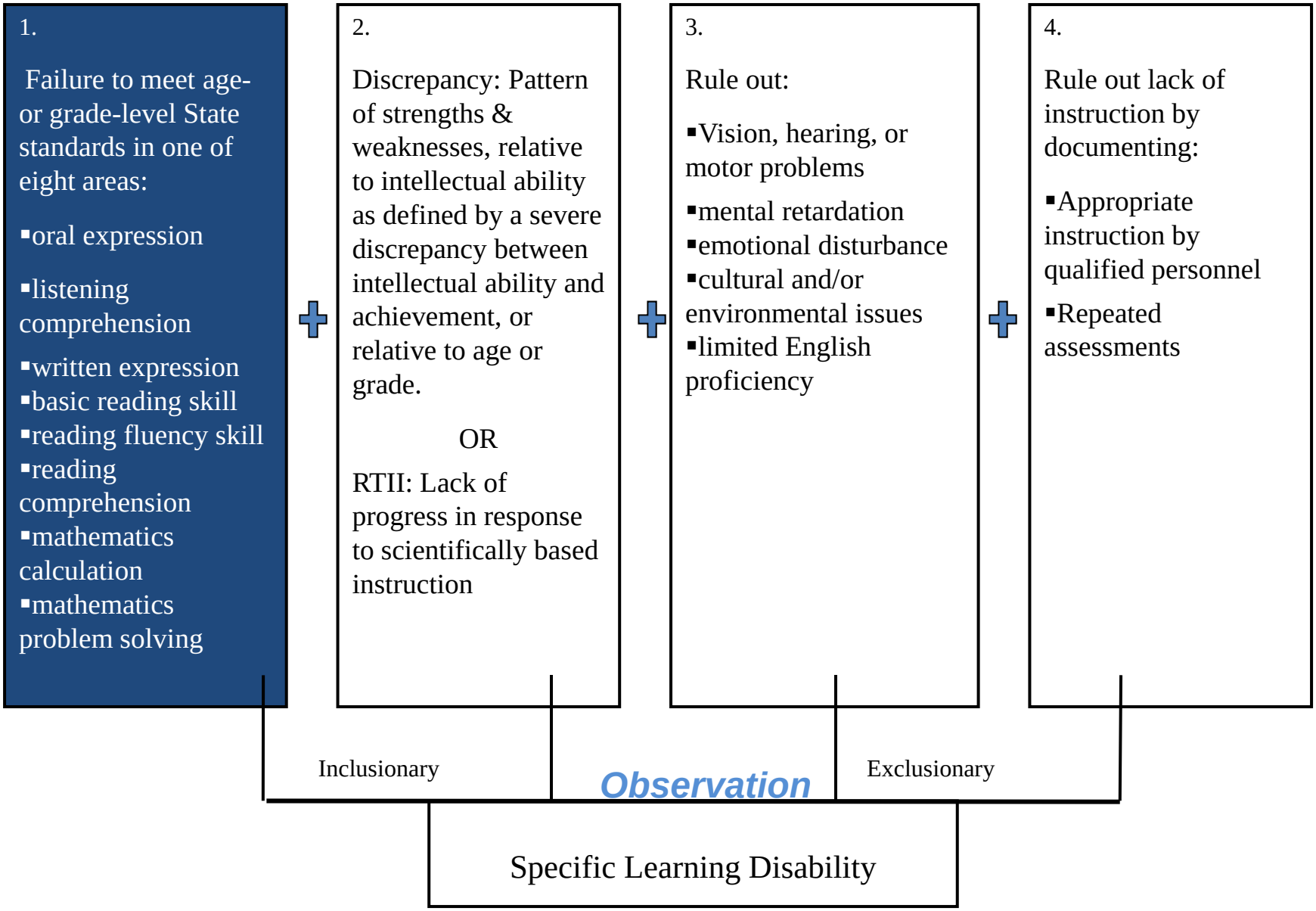
Failure to meet age- or grade-level State standards in one of eight areas:
▪oral expression
▪listening comprehension
▪written expression
▪basic reading skill
▪reading fluency skill
▪reading comprehension
▪mathematics calculation
▪mathematics problem solving
2.
Discrepancy: Pattern of strengths & weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.
OR
RTII: Lack of progress in response to scientifically based instruction
3.
Rule out:
▪Vision, hearing, or motor problems
▪mental retardation
▪emotional disturbance
▪cultural and/or environmental issues
▪limited English proficiency
4.
Rule out lack of instruction by documenting:
▪Appropriate instruction by qualified personnel
▪Repeated assessments
Inclusionary
Observation
Exclusionary
Specific Learning Disability

Four Questions for Eligibility

1. Adequate achievement: Does the child achieve adequately for the child's age or meet State-approved grade level standards?
2. Eligibility Model: Does the child demonstrate a pattern of strengths and weakness OR has the child shown a lack of response to scientifically based instruction?
3. Have other factors or conditions been ruled out?
4. Are the student's academic concerns the result of a lack of instruction?

Criteria 1: Assessing Achievement Level

Does the child achieve adequately for the child's age or meet State-approved grade level standards?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Chapter 14: Legal

- The MDE team must address whether the child does not achieve adequately for the child's age or meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or state approved grade levels standards: *oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving.*

Sources of Data to Document Lack of Achievement

Existing Data

- Performance on benchmark assessments
- Terminal performance on progress monitoring measures
- District-wide assessments (PSSA) scores

New Data to Collect

(if necessary)

- Norm-referenced tests of academic achievement

Lack of achievement is in relation to age or grade-level standards.

- The student's assessed achievement on all measures should be significantly behind age- or grade-peers.
- Measures should be reflective of state standards.
- Achievement here is related to age or grade, not intellectual level

Who sets the parameters for being 'Deficient'

- How deficient must a student be in order to demonstrate inadequate performance/achieve-ment?
- It is the responsibility of individual school districts to establish or define appropriate assessment parameters.

Normative Comparisons

- Normative group is important decision
- National normative data sets
  - AIMSweb
  - Hasbrouck & Tindal
  - DIBELS
- Local normative data set by SES
  - Shapiro (2004)

How deficient should a student be to qualify? An opinion…

- Contemporary research has indicated that a score of the 30th percentile on nationally normed benchmark tests or individual tests of academic achievement is equivalent to a proficient score on most statewide tests.

- Therefore, to demonstrate inadequate achievement relative to this standard, a student should be significantly below this level (e.g., 10th percentile) to meet the SLD qualification under this component.

May we use norm-referenced tests of academic achievement in determining the extent of the deficiency?

May we?

- Yes! There is nothing legally that prevents a team from doing so.

Should we?

- It depends on how secure you are with other data regarding the student's deficiency in relation to standards.
- If you have a preponderance of other data, you may choose not to use other norm-referenced measures.
- If you don't, or if there are other questions that can be answered with norm-referenced measures, use them.

Failure to meet age or grade level standards

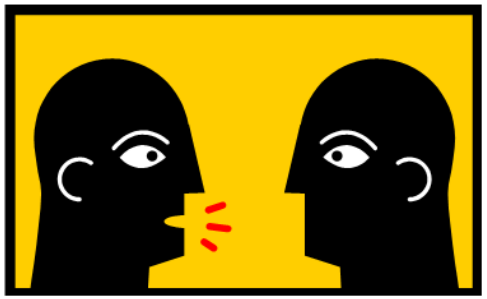
- The student's IQ level is not considered the criterion against which the student's academic performance is compared.

2 Implications to consider

- Students with intelligence levels in the 'slow learner" range may not be excluded from having SLD if they display significantly inadequate academic achievement and if they meet the other criteria
- Conversely, students with high levels of intelligence must display inadequacies in relation to their age or the state standards for their grade in order to meet this criterion.

Pause and Reflect

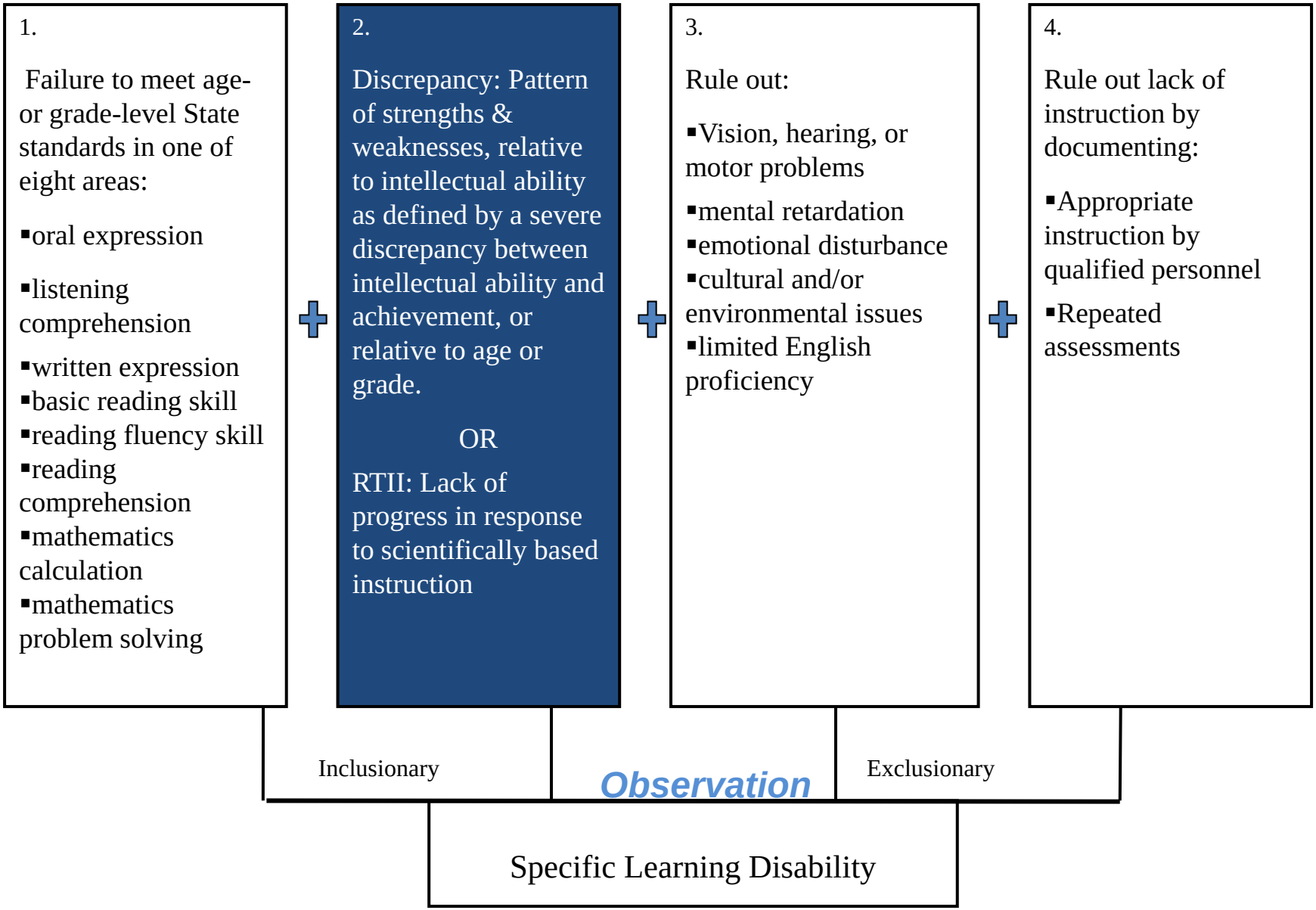
Take a moment with a partner near you to discuss the implications for you and your team relative to Criteria#1: Failure to meet age and grade level state standards.



Criteria #2: RTII Model or Discrepancy Model

CHOICE:

Eligibility Model: Does the child demonstrate a pattern of strengths and weakness **OR** has the child shown a lack of response to scientifically based instruction?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Determination of SLD

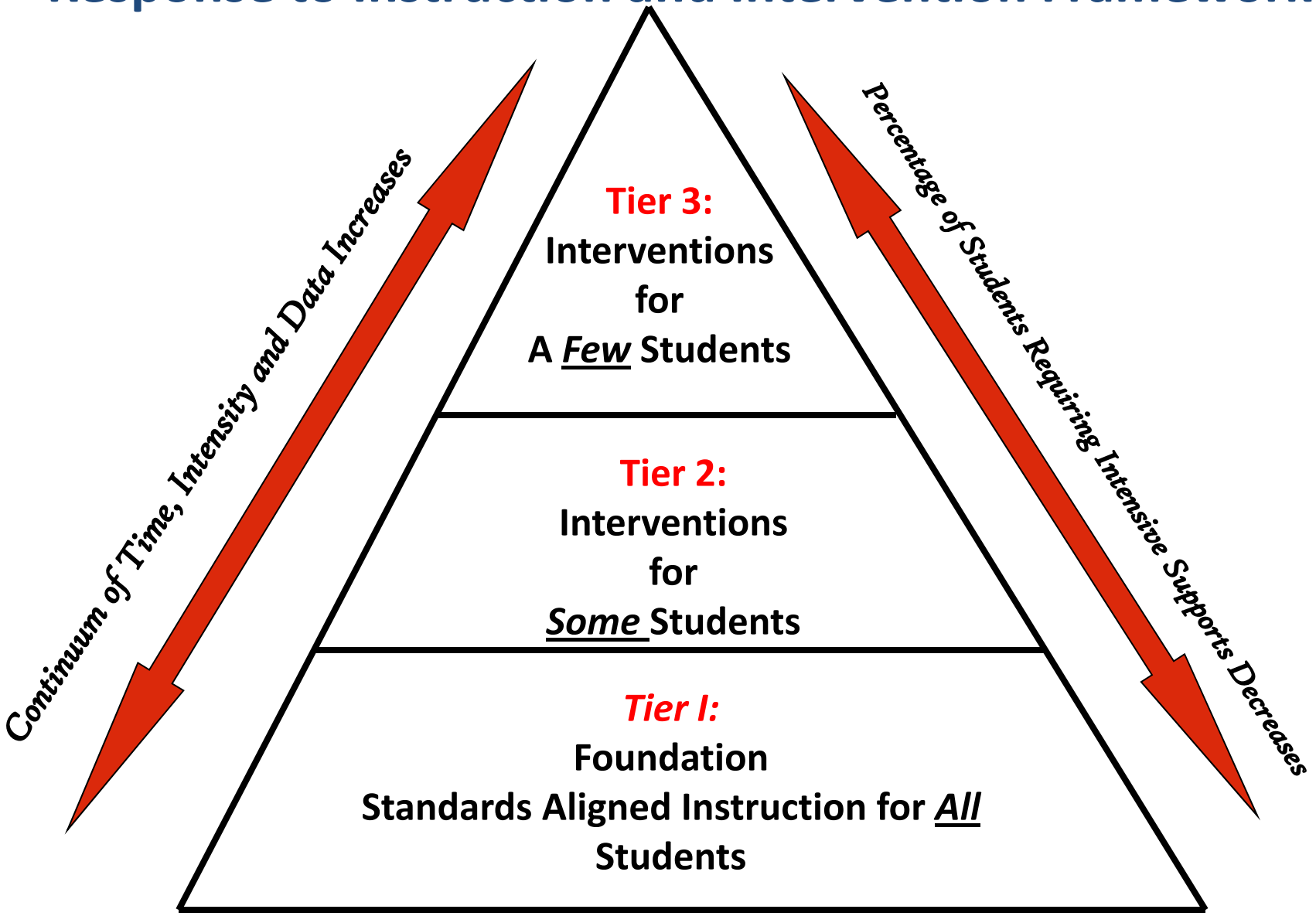
Assessment differences between Discrepancy Model and RtII Model:

Discrepancy Model must assess whether the child does not achieve adequately for their age or to meet State-approved grade level standards and *whether the child exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, State-approved grade level standards or intellectual development*

RtII Model must assess whether the child does not achieve adequately for their age or to meet State-approved grade level standards and *the child does not make sufficient progress to meet age or State-approved grade-level standards*

Response to Instruction and Intervention

Pennsylvania's Model:
Response to Instruction and Intervention Framework



Documentation of instructional sufficiency and fidelity

For the purposes of the determination of eligibility, evaluation teams must document that foundational core instruction as well as strategic and intensive interventions were **sufficient** and were provided at a high degree of fidelity for a **sufficient length of time.**

Factors to Consider for Tier 1

- Was the core program aligned to the PA standards?
- Was the curriculum in place for a sufficient amount of time?
- Where the teacher's trained in how to use the curriculum?
- Were the teachers using effective instruction methodologies?
- Were data analysis teams used to support the delivery of core instruction?

Factors to Consider for Tier 2 and 3

- Were the Interventions used supported by scientific research?
- Were standard treatment protocols followed for the interventions with students? [fidelity checks]
- Were the teachers/staff implementing the interventions trained in delivering the intervention with fidelity?
- Were the interventions delivered for a sufficient amount of time?
- Was a team used to help design and support the interventions?

Data Tracking Tool Resources

- www.RtI4success.org
- www.studentprogress.org
- School District Data/Information Systems
- Excel Data Sheet
- Iris Center Slope Calculator
- AIMSweb RtI Component
- RtI-M Direct Data System
- Spectrum K-12 Data System

Determination of Rate of Improvement

Progress monitoring is a rigorous assessment technique that is based in research on applications of repeated measurement techniques featuring brief and frequent measurements.

Progress Monitoring – Choosing Tools

Efficient

Reliable

Sensitive to growth

Sensitive to instruction

Progress Monitoring Tools

Best Practice-third party analysis of the progress monitoring tool for:

- Reliability
- Validity
- Research-base

http://www.rti4success.org/

Vendor research reports should be viewed carefully, especially those supporting new products or new test types.

TOOLS	AREA	Reliability of the Performance Level Score	Reliability of the Slope	Validity of the Performance Level Score	Predictive Validity of the Slope of Improvement	Alternate Forms	Sensitive to Student Improvement	End-of-Year Benchmarks	Rates of Improvement Specified	Norms Disaggre-gated for Diverse Populations	Disaggre-gated Reliability and Validity Data
AIMSweb	Math	●	●	●	●	◐	◐	●	●	No	●
	Oral Reading	●	●	●	●	●	◐	●	●	No	●
	Test of Early Literacy - Letter Naming Fluency	●	●	●	●	●	◐	●	●	No	●
	Test of Early Literacy - Letter Sound Fluency	●	●	●	●	●	◐	●	●	No	●
	Test of Early Literacy - Nonsense Word Fluency	●	●	●	●	●	◐	●	●	No	●
	Test of Early Literacy - Phonemic Segmentation Fluency	●	●	●	●	●	◐	●	●	No	●
	Test of Early Numeracy - Missing Number	●	●	●	●	●	—	●	●	No	●
	Test of Early Numeracy - Number ID	●	●	●	●	●	—	●	●	No	●

Chart Legend: ● Convincing Direct Evidence | ◐ Partially Convincing Evidence or Convincing Indirect Evidence | ◯ Unconvincing Evidence | — No Evidence Submitted

TOOLS	AREA	Reliability of the Performance Level Score	Reliability of the Slope	Validity of the Performance Level Score	Predictive Validity of the Slope of Improvement	Alternate Forms	Sensitive to Student Improvement	End-of-Year Benchmarks	Rates of Improvement Specified	Norms Disaggregated for Diverse Populations	Disaggregated Reliability and Validity Data
Dynamic Indicators of Basic Early Literacy Skills (DIBELS)	Initial Sound Fluency	●	—	●	—	●	●	○	○	No	—
	Nonsense Word Fluency	●	—	●	○	●	●	○	○	No	—
	Oral Reading Fluency	●	—	●	—	●	●	●	○	No	●
	Phonemic Segmentation Fluency	●	—	●	—	●	●	●	○	No	—
	Word Use Fluency	●	—	○	—	●	●	●	○	No	—
Monitoring Basic Skills Progress (MBSP)	Basic Math Computation	●	●	●	●	●	●	●	●	No	—
	Basic Math Concepts /Applications	●	●	●	●	●	●	●	●	No	—
mClass Math	Computation	●	○	●	○	—	—	●	—	No	—

convincing direct evidence

Chart Legend: ● Convincing Direct Evidence | ◐ Partially Convincing Evidence or Convincing Indirect Evidence | ○ Unconvincing Evidence | — No Evidence Submitted

Progress Monitoring Tools

- Reading
  - K – 1: Early literacy measures
    - DIBELS
    - AIMSweb
  - Middle Gr. 1+ : Oral Reading Fluency
    - Reading Assessment Passages (RAPs) for Grades 1 – 8 through AIMSWEB (http://www.aimsweb.com)
    - DIBELS- Grades 1 – 6 (FREE) http://dibels.uoregon.edu/
    - EDCHECKUP http://www.edcheckup.com/
    - Read Naturally grades 1-7 http://www.readnaturally.com
    - Interventioncentral.org
      - Several sets from various locations

Monitoring Slope of Progress

- Important part of the PM process is the evaluation of student performance over time
- Behavior over time is reflected in rate of change or slope
- Slope calculation needs to be for BOTH the expected and actual levels of student performance

DIBELS benchmarks (ROI based on 18 weeks between benchmarks, 36 total weeks):

K – ISF	0.9
K – PSF	1.0
K - NWF	0.7
1 - NWF	1.4
1 - ORF	1.1
2 - ORF	1.3
3 - ORF	0.9
4 - ORF	0.7
5 - ORF	0.6

Slope Calculator

- Slope = $\frac{Y2 - Y1}{X2 - X1}$
- Score on first probe (44)
- Score on last probe (90)
- First administration time period (1 for week 1)
- Last administrative time period (36 for week 36)
- Example – 2nd grade ORF:

$$\frac{90 - 44}{36 - 1} = \frac{46}{35} = 1.31$$

A 2nd grader needs to improve **1.31** words correct per minute, when starting in the low risk range, to meet the end of the year benchmark

Third Grade Student - Joe

- Enters Tier 2 strategic instruction in reading after winter benchmark
- Current reading level – baseline=70 wcpm
- End of Year DIBELS benchmark = 110 wcpm
- Start of progress monitoring = week 18
- End of progress monitoring = week 28
- Calculate expected slope for Joe based on the end of year benchmark (at week 35)

Joe's Performance

- Words Correct Per Minute
  - Week 18 = 70 (baseline)
  - Week 20 = 73
  - Week 22 = 74
  - Week 24 = 79
  - Week 26 = 85
  - Week 28 = 91

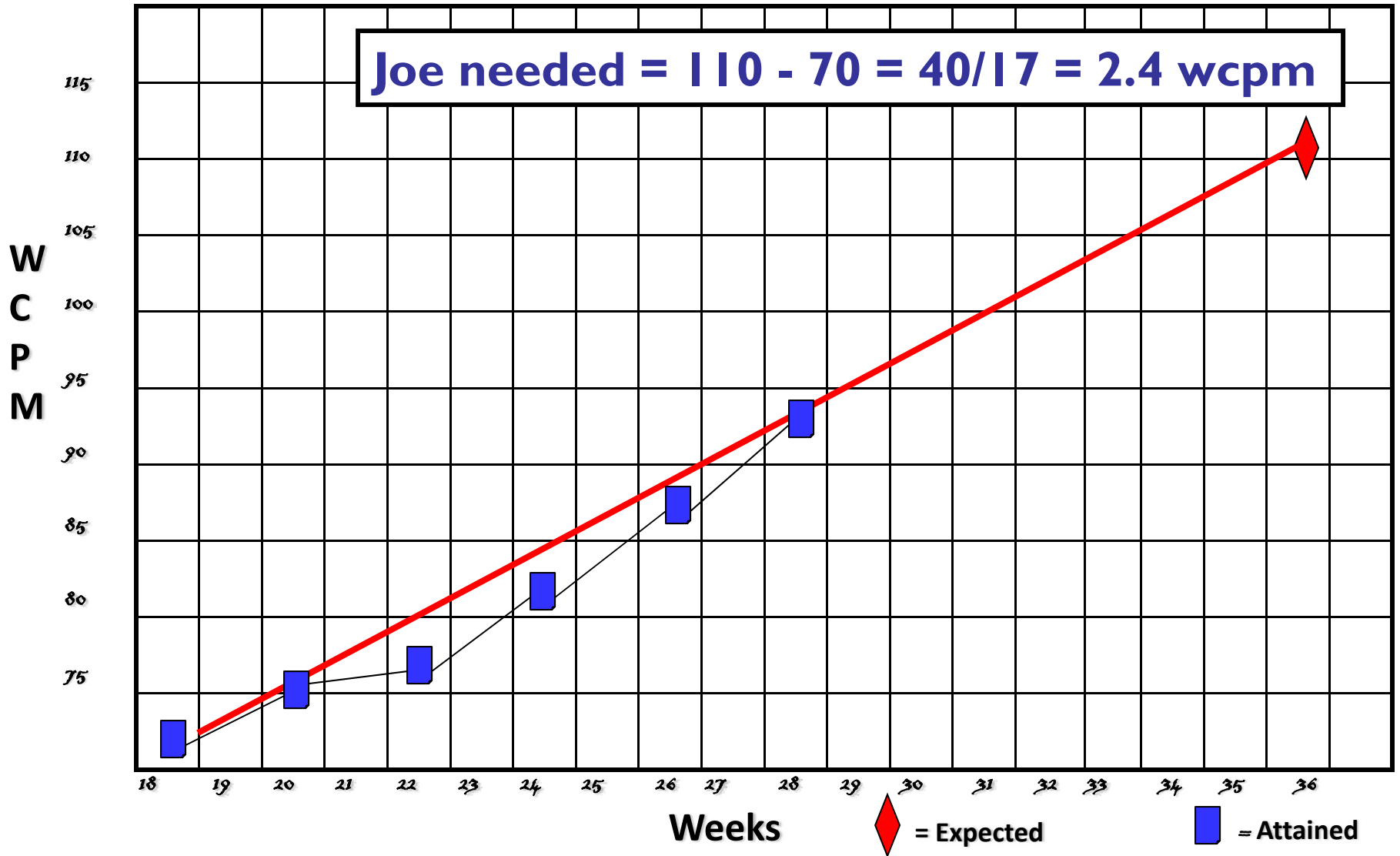
- What is his slope of performance?

- What decision would you make against expected outcome?

Joe

3rd grade Ave. Slope = 110–77 = 33/35 = .94 wcpm

Joe's Attained Slope = 91 – 70 = 21/10 = 2.1 wcpm



Third Grade Student - Elliot

- Enters Tier 2 strategic instruction in reading after fall benchmark
- Current reading level – baseline=56 wcpm
- End of Year DIBELS benchmark = 110 wcpm
- Start of progress monitoring = week 2
- End of progress monitoring = week 12
- Calculate expected slope

Elliot's Performance

- Words Correct Per Minute
  - Week 2 = 56 (baseline)
  - Week 4 = 54
  - Week 6 = 57
  - Week 8 = 58
  - Week 10 = 55
  - Week 12 = 59

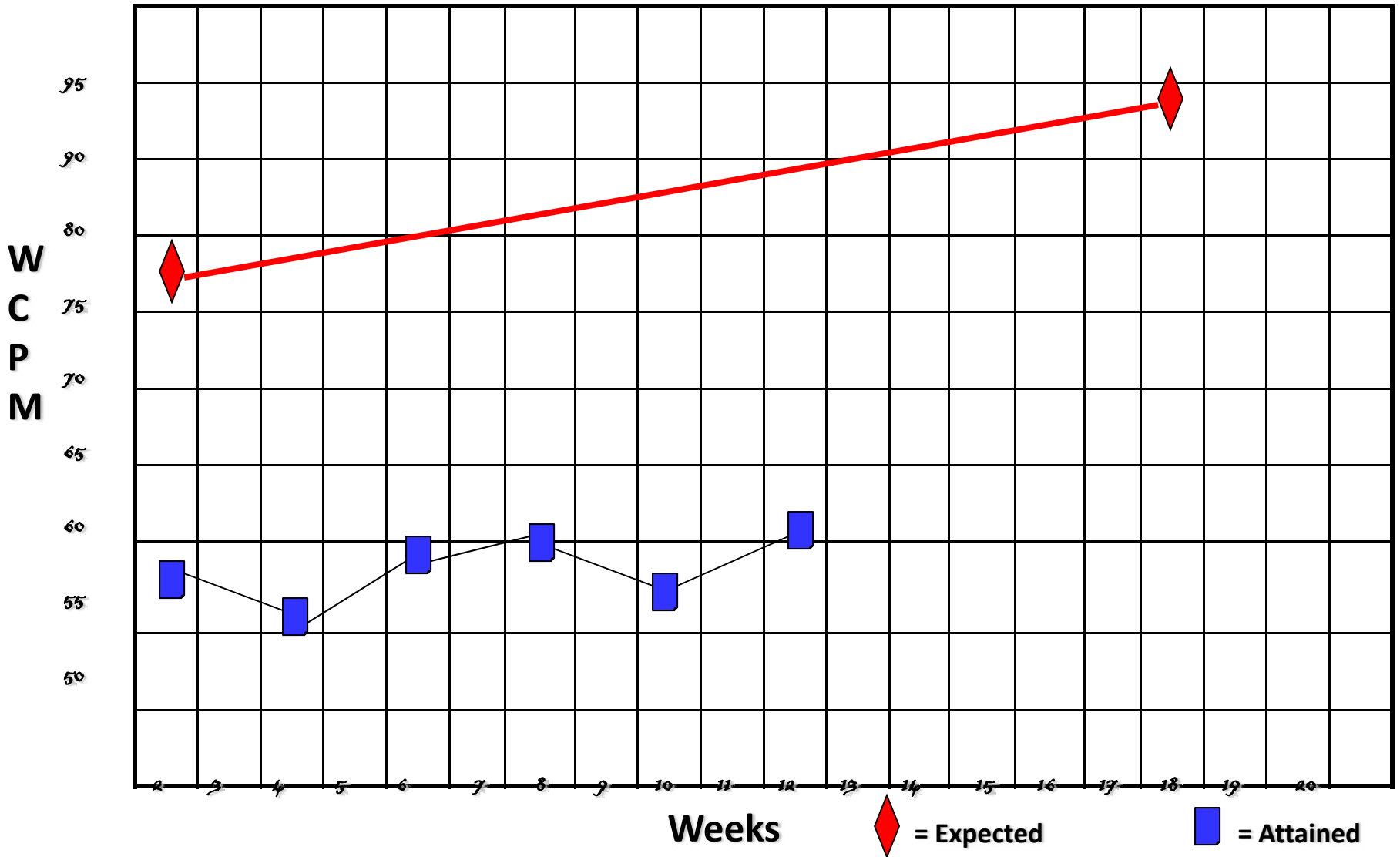
- What is his slope of performance?

- What decision would you make against expected outcome?

Elliot

3rd grade Ave. Slope=110–77= 33/35=.94 wcpm

Elliot's Attained Slope=59 - 56 = 3/10 = .3 wcpm

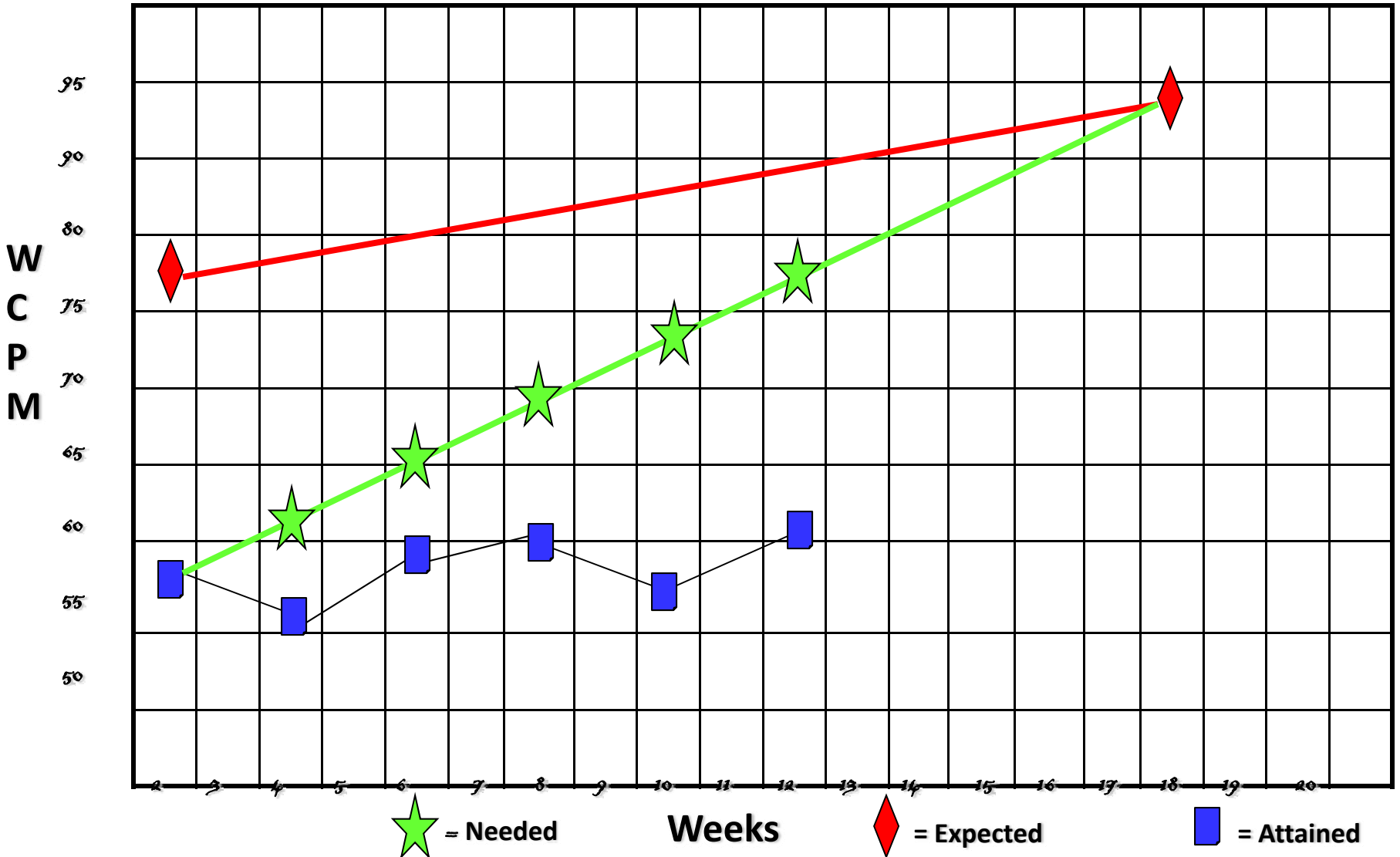


Elliot

3rd grade Ave. Slope =110– 77=33/35 = .94 wcpm

Elliot's Attained Slope =59 - 56 = 3/10 = .3 wcpm

Elliot's Needed Slope = 110-56=54/34 = 1.5 wcpm



2.0X calculation

- Divide norm group mean ROI by student's ROI
- Result expressed as a ratio of deficiency
- Example:

$$\frac{\text{1.0 wpm/wk}}{\text{0.5 wpm/wk}} = 2.0X$$

2.0X calculation

Divide norm group mean ROI by student's ROI

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Examples

Joe $\frac{\text{.94 wpm/wk}}{\textbf{2.1 wpm/wk}} = \textbf{.44}$

Elliot $\frac{\text{.94 wpm/wk}}{\textbf{.3 wpm/wk}} = \textbf{3.1}$

Elliot's deficiency in ROI exceeds 2.0

Short Term Goal Calculator

- End of Year benchmark (from normative data)
- Middle of first three probes (baseline levels)
- Number of weeks remaining in school year
- Number of weeks of monitoring

Short Term Goal Calculator

Example:

3rd grade DIBELS, baseline given week **6**

- End of Year benchmark (from normative data) **110**
- Middle of first three probes (baseline levels) **82**
- Number of weeks remaining in school year **30**
- Number of weeks of monitoring **12**

1. 110 – 82 = 28
2. 28 / 30 = .93
3. .93x 12 = 11
4. 11 + 82 = 93

Beginning at week 6 with a score of 82 wcpm, a student must be at 93 wcpm at week 18 to make the goal of 110 wcpm at week 36

How low is low? How slow is slow?

How deficient does the student need to be to qualify?

- There is not a research consensus on this issue at this time.
- Note that there never was a research consensus on the extent of the ability-achievement discrepancy.
- However, there is a good deal of research underway addressing this question (e.g., Christ, Ardoin, et al.).

In the meantime…

- The decision on how deficient a student needs to be to qualify rests with the MDE.

- *A rough guide:* A student with a learning disability should be severely deficient in level and display a poor response to research-based interventions (slope) such that he or she is not likely to meet benchmarks in a reasonable amount of time without intensive specially designed instruction.

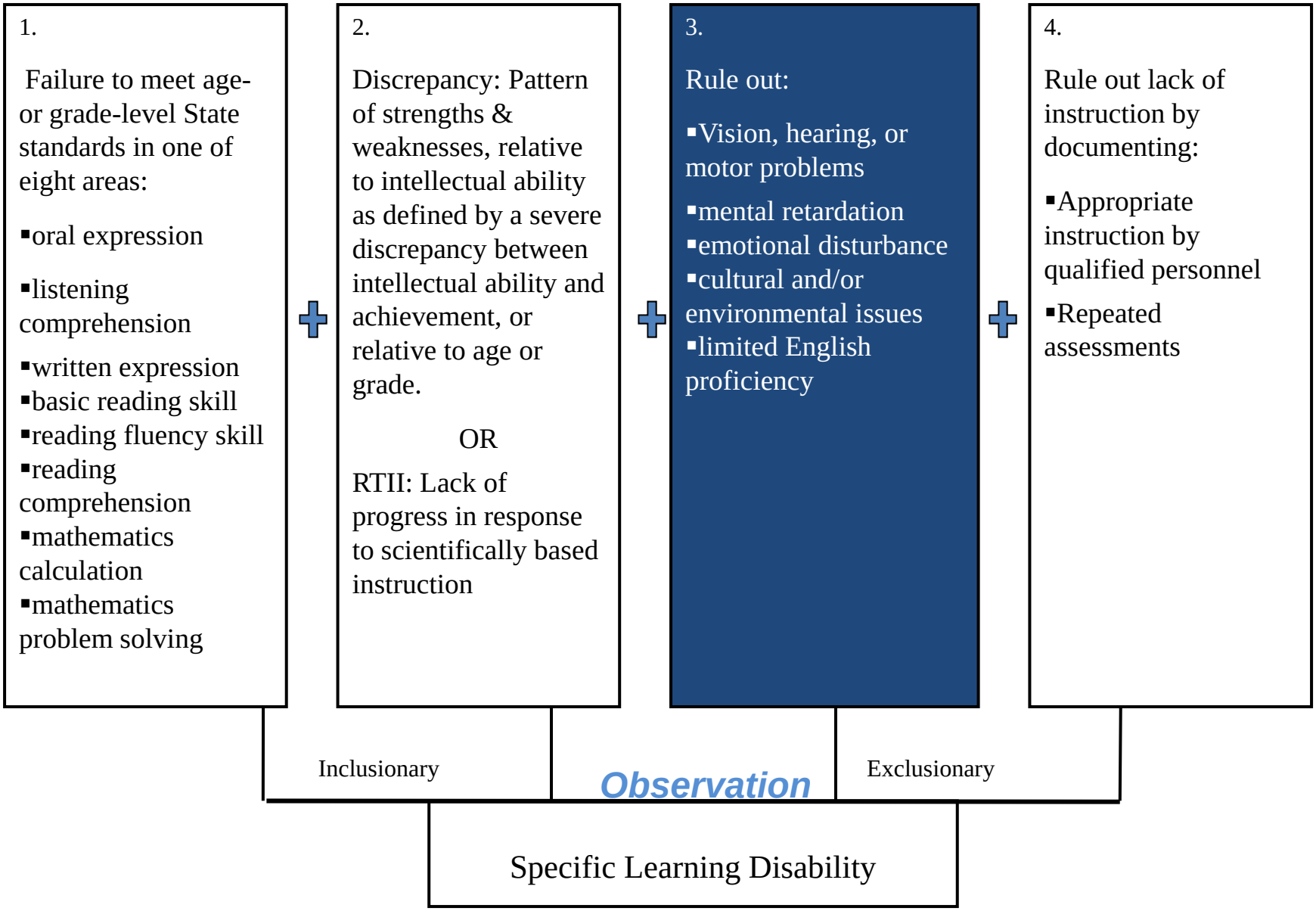
Pause and Reflect

Take a moment with a partner near you to discuss Criteria#2:

1) Do you have a process in place that substantiates fidelity of intervention and progress-monitoring?
2) What are the implications for your team in terms of skills needed and the role and function of team members if you use RtII for SLD determination?

Criterion 3: Rule out other factors or conditions

Have other factors or conditions been ruled out?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▪Appropriate instruction by qualified personnel
▪Repeated assessments
Inclusionary
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Specific Learning Disability

Rule Out: Vision

Screening procedure	Check vision records (school nurse)
If positive, assess…	Optometric or ophthalmology exam
Possible extraneous factor or condition that could account for learning problem	Visual Impairment

Adapted from Reschly (2005)

Rule Out: Hearing

Screening procedure	Check hearing records (school nurse)
If positive, assess…	Audiological exam
Possible extraneous factor or condition that could account for learning problem	Hearing Impairment

Adapted from Reschly (2005)

Rule Out: Motor

Screening procedure	Check school health records (school nurse); observations of motoric problems
If positive, assess…	Physical or occupational therapy exam; medical examination
Possible extraneous factor or condition that could account for learning problem	Physical Disability or Health Impairment

Adapted from Reschly (2005)

Rule Out: Mental Retardation

Screening procedure	Review of school records indicating typical functioning in other academic and adaptive behavior
If positive, assess…	Intelligence test; test of adaptive behavior
Possible extraneous factor or condition that could account for learning problem	Mental Retardation

Adapted from Reschly (2005)

Rule Out: Emotional Disturbance

Screening procedure	Behavioral checklists
If positive, assess…	Behavior rating scales, other assessments of behavior and affect
Possible extraneous factor or condition that could account for learning problem	Emotional disturbance

Adapted from Reschly (2005)

Rule Out: Cultural Factors

Screening procedure	Assess cultural status (e.g., Acculturation Quick Scale)
If positive, assess…	Interview with family
Possible extraneous factor or condition that could account for learning problem	Level of acculturation; cultural differences

Adapted from Reschly (2005)

Rule Out: Environmental or Economic Disadvantage

Screening procedure	School records
If positive, assess…	"Social work" interview with family
Possible extraneous factors or conditions that could account for learning problem	Child abuse, lack of sleep, poor nutrition, etc.

Adapted from Reschly (2005)

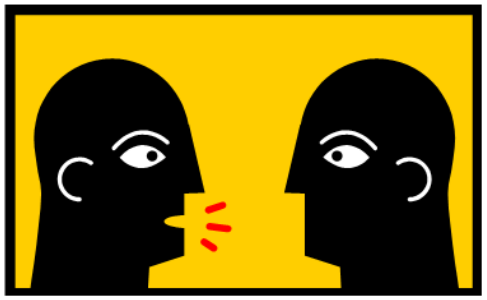
Rule Out: Limited English Proficiency

Screening procedure	Home language screening (required by law)
If positive, assess…	Primary language assessment
Possible extraneous factor or condition that could account for learning problem	May not have BICS or CALP necessary for learning academic content

Adapted from Reschly (2005)

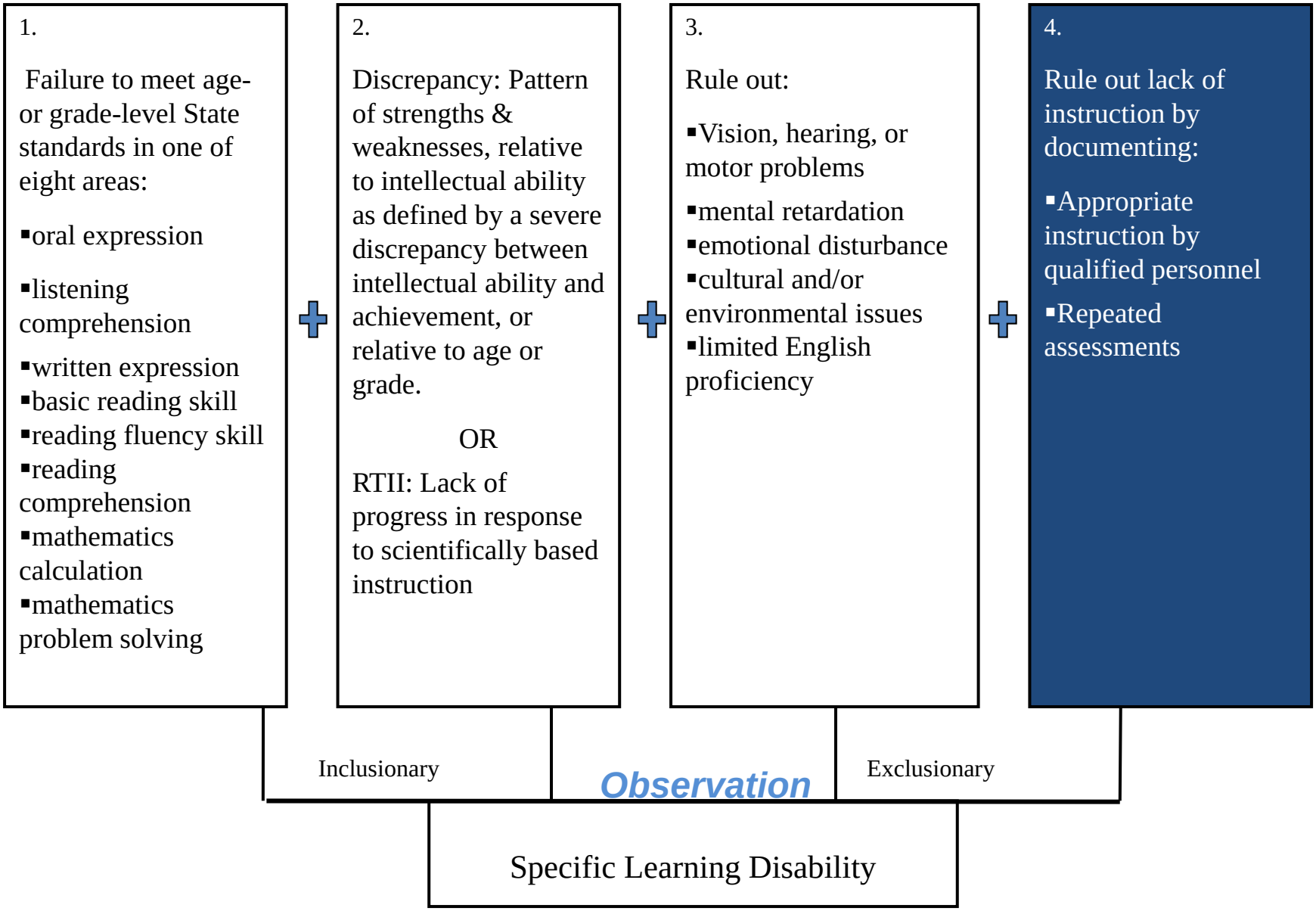
Pause and Reflect

Take a moment with a partner near you to discuss Criteria#3: Ruling out factors related to eligibility.



Criterion #4: Rule Out Lack of Instruction

Has the student been provided with appropriate instruction?


1.
Failure to meet age- or grade-level State standards in one of eight areas:
▪oral expression
▪listening comprehension
▪written expression
▪basic reading skill
▪reading fluency skill
▪reading comprehension
▪mathematics calculation
▪mathematics problem solving
2.
Discrepancy: Pattern of strengths & weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.
OR
RTII: Lack of progress in response to scientifically based instruction
3.
Rule out:
▪Vision, hearing, or motor problems
▪mental retardation
▪emotional disturbance
▪cultural and/or environmental issues
▪limited English proficiency
4.
Rule out lack of instruction by documenting:
▪Appropriate instruction by qualified personnel
▪Repeated assessments
Inclusionary
Observation
Exclusionary
Specific Learning Disability

Chapter 14: Regulations

Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:

- prior to or as part of the referral process, the child was provided scientifically-based instruction in general education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.

14.125 [a] [i]

Question: Was the student effectively taught?

Key Questions to Address

- Is a Standards-Based Curriculum in Place?
- Is it based on scientific research?
- If a scientifically validated curriculum is in place, is there evidence that it is being delivered at a sufficient level of fidelity?

Examples of Treatment Fidelity Checklists

- *Principal's Reading Walkthrough presentation and documents (Nettles, 2006)*

  These materials were developed at the Florida Center for Reading Research, with individual checklists for kindergarten, first, second, and third grades.

  http://www.fcrr.org/staffpresentations/SNettles/PrincipalWalkthroughThirdGrade.pdf

Treatment Fidelity Checklists/Resources

- *The Intervention Validity Checklist* (Texas Center for Reading and Language Arts in the College of Education at The University of Texas at Austin)

  This checklist (Vaughn et al., 1998) was developed by researchers for use to ensure (1) implementation consistency across teachers and (2) treatment fidelity.

Treatment Fidelity Checklists/Resources

SRA Checklists (McGraw-Hill Companies)

These checklists are products developed by the McGraw-Hill Companies (SRAOnline, 2006) to help teachers with professional development and fidelity to the curriculum.

Materials are available for various curriculum areas: reading, phonics, language arts, mathematics, social studies, science, and more. Curriculum materials available on line at

http://www.sra-4kids.com/.

Treatment Fidelity Checklists/Resources

The Consortium on Reading Excellence

The Consortium on Reading Excellence (2006) has developed a number of reading-focused coaching and instructional implementation materials. Consortium on Reading Excellence (CORE) (2006).

http://www.coreread.com/Downloads.htm.

Treatment Fidelity Checklists/Resources

- http://www.pbisillinois.org/
- http://www.gosbr.net
- http://www.interventioncentral.org
- http://www.coe.iup.edu/kovaleski/LOIs.htm
- http://www.aea11.k12.ia.us:16080/idm/checkists.html

Question: Was the student effectively taught?

Key Questions to Address

- Has the student been provided with individualized supports in the general education classroom?
- Has the student been provided with a sufficiently intense individualized intervention using research-based instructional procedures?

Considerations to assess the provision of appropriate instruction

- Principal's observation of teacher performance through classroom visits and observations conducted during the instructional period for the targeted content/subject area on a regular basis.
- Checklists of integrity of instruction completed by teachers as self-check measures
- Checklists of integrity of instruction completed among teachers as peer-check measures
- Completion of checklists by content specialists or curriculum supervisors working with teachers.

Repeated Assessments

- Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.

- Information regarding the student's progress should be periodically provided to the student's parents.

Pause and Reflect

Take a moment to discuss Criteria#4: Ruling out lack of instruction

Do you have sufficient resources to rule out lack of instruction? Please be prepared to acknowledge the resources you have or need to acquire.

OBSERVATIONS

IDEA 2006

The public agency must ensure that the child is observed in the child's learning environment, including the regular classroom setting to document the child's academic performance and behavior in the areas of difficulty.

- Use information from the child's performance that was done before the referral for an evaluation

OR

- At least one member of the evaluation team conduct an observation in the general education classroom after the child has been referred for an evaluation and parental consent.

Why observe?

- Should assist in the documentation that appropriate instruction was provided, also to inform the decisions about recommended instructional changes.

- Observations across instructional settings are especially valuable, as are observations by different team members.

What kind of observations?

- Behavioral observation procedures
- Methods that relate to student's classroom behavior to instructional conditions and teaching practices
- Informal or anecdotal recordings that address referral questions, instructional practices, and instructional fidelity.

Documentation of Eligibility

Required Documentation

- All requested documentation relates directly to legal requirements of identification
- All areas requiring documentation will need to be addressed during assessment
- Regardless of whether you choose the RTII model or the discrepancy model, there are 8 common elements which must be documented for eligibility

Required Documentation

Eight elements

1. Relevant behavior noted during the observation
2. Relationship of behavior to the child's academic functioning
3. Educationally relevant medical findings
4. Effects of the student's environment, culture, or economic background

Required Documentation

5. Documentation that prior to the referral for evaluation the student was provided with appropriate instruction by highly qualified personnel
6. Data-based documentation, given to the parents, of repeated assessments at reasonable intervals reflecting progress
7. An observation in the student's learning environment, including the general education classroom, document academic performance and behavior in the areas of difficulty
8. Documentation of the rule-out statements

Required Documentation

Slight variation on documentation required for RtII or Discrepancy Model – related to IDEA 2004/Chapter 14 requirements

RtII Model

- The extent to which the student is not achieving relative to age or state grade-level standards
- The student's progress in response to scientifically based instruction

Discrepancy Model

- The extent to which the student is not achieving relative to age or state grade level standards
- Whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability, achievement, or relative to age or grade.

Required Documentation

Separate section of ER/RR, those questions must be answered if SLD is being considered for the student, not dependant on being identified SLD

Use SLD section of the ER/RR to document findings

OR

Incorporate assessment information in to Sections 5 and 6 of the ER for initial evaluation

OR

Section II Item 2 of the RR for a reevaluation

Annotated SLD Section of ER/RR

1. The student does not achieve adequately for the student's age or does not meet State-approved grade-level standards in one or more of the following areas when provided with learning experiences and scientifically based instruction appropriate for the student's age or State-approved grade level standards and level of English language proficiency: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem-solving.

The evaluation team must determine if the student is not adequately achieving in one or more of the eight areas listed above. Sources of data could include (but are not limited to) benchmark assessments; progress monitoring data; performance on district-wide assessments; statewide tests of achievement and norm-referenced tests of academic achievement. Multiple sources of data collected over time should be used during the decision making process. The student's achievement in these areas should be evaluated in relation to their age or State-approved standards. The student's achievement level should be significantly deficient to warrant identification. The regulations do not define significantly deficient. It is the responsibility of individual LEA to establish or define appropriate assessment parameters (see PA Guidelines for Identifying Students with Specific Learning Disabilities) available at www.pattan.net The team must address the student's English language

Annotated SLD Section of ER/RR

2. *Check below to identify the process(es) used to determine eligibility.*

It is the decision of the evaluation team as to which available model is used to evaluate a child. Only one model is to be used during an evaluation for each individual child; even if both models are available to the LEA.

Response to Scientific Research-Based Intervention Model:

The student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of these areas: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem-solving:

Annotated SLD Section of ER/RR

3. The instructional strategies used and the student-centered data collected:

In this section, explicitly describe the instructional strategies and/or interventions used with the student. This information can come both from before and after the evaluation process began. In addition, this section should document the data collected on the student as part of the evaluation process.

Annotated SLD Section of ER/RR

4. The educationally relevant medical findings, if any:

Describe any evidence that medical issues could account for the deficits in the student's academic performance. Information provided by the family, school vision and hearing screening results and information from outside sources can be discussed here. Findings that do impact the student's performance or should be included here or a statement that relevant findings were uncovered should be included here.

Annotated SLD Section of ER/RR

5. *The effects of the student's environment, culture, or economic background:*

Describe any evidence that an aspect of the student's environment, culture or economic background is negatively impacting his/her academic achievement.

Annotated SLD Section of ER/RR

6. *Data demonstrating that prior to referral or as part of the referral process for a specific learning disability, the student's regular education instruction was delivered by qualified personnel, including the English as a Second Language (ESL) program, if applicable:*

Document that regular education was delivered by qualified personnel. This should be evidenced by State certifications and trainings completed in intervention strategies or core curriculum. If the student is in an ESL program, document that the ESL curriculum was being delivered by a qualified teacher.

Annotated SLD Section of ER/RR

7. Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting progress during instruction, which was provided to the parents:

Report the results of academic assessments collected over time that were used to monitor the achievement level of the student and how that information was provided to the parent. Such tools could include universal screenings, progress monitoring reports, 4Sight data, PSSA scores.

Annotated SLD Section of ER/RR

8. An observation in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty. Note the relationship of that behavior to the student's academic functioning:

The student must be observed in the student's learning environment to determine if the student's behavior is a possible cause of deficient academic achievement. The observation should take place during the class time in which the student is having academic difficulties and the interactions of the student with peers and teachers should be documented. The observer must comment on the relationship between the student's behavior and academic functioning.

Annotated SLD Section of ER/RR

9. Other data, if needed, as determined by the evaluation team:

Any other information the evaluation team collects, as well as information from outside sources, such as evaluations completed outside of school, would be added.

Annotated SLD Section of ER/RR

10. *Include a statement for each item below to support the conclusions of the evaluation team that the findings are not primarily a result of: Visual, hearing, motor disability; mental retardation; Emotional disturbance; cultural factors; environmental or economically disadvantaged; limited English proficiency*

The evaluation team must determine that the student's academic deficiencies are not the result of the factors below, which are considered contra-indicators of SLD. To rule out these factors, evaluation teams should document, in the *Evaluation Report*, evidence that each of these factors has been excluded from consideration in the screening process, or if necessary, conduct a more extensive evaluation to eliminate them from consideration.

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RtII in PA