Specific Learning Disabilities Evaluation and Eligibility Guidelines

October 2015

Mecosta Osceola Intermediate School District

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Introduction

The No Child Left Behind Act (NCLB 2001) and the Individuals with Disabilities Education Improvement Act (IDEA 2004) support the involvement of **all** students in the general education curriculum and the use of research based interventions to improve student achievement. Additionally, IDEA 2004 permits school districts to use a process to intervene early with struggling students and to determine if a child responds to scientific, evidenced-based intervention as a part of the evaluation procedures for students with learning disabilities. This instructional and diagnostic method is known as **Multi-Tiered Systems of Support (MTSS)**. The MTSS conceptual model is represented in the graphic below:
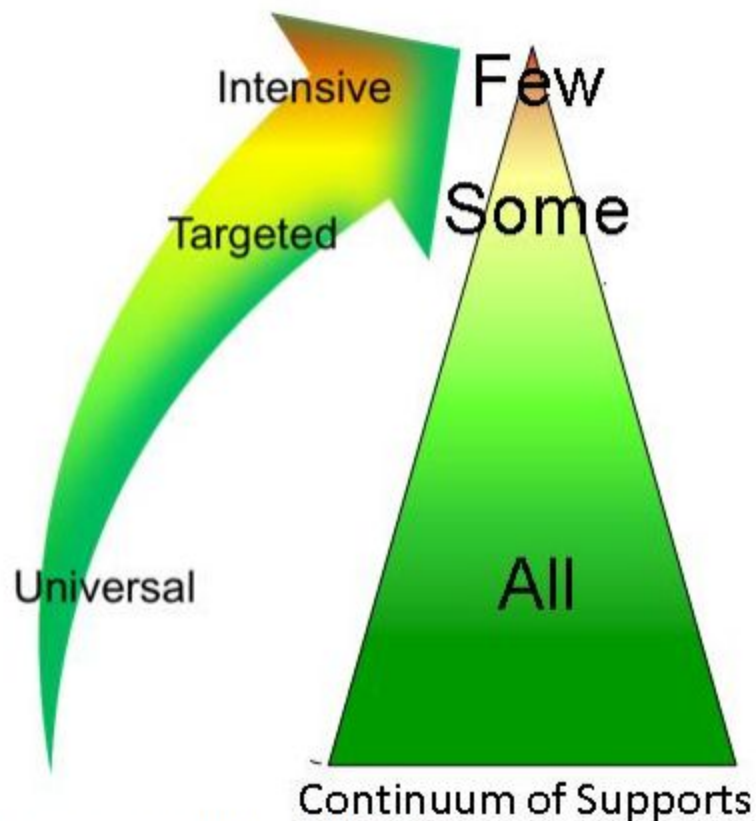
(Source: Goodman MiBLiSi presentation 2009)

MTSS is an early intervening strategy. The overarching goal is to improve student achievement using research based interventions matched to the instructional need and level of the student. MTSS is a comprehensive, multi-tiered, standards aligned strategy to enable early identification and intervention for students at academic or behavioral risk.

Response to Intervention (RtI) is how an individual student or group of students receiving similar intervention respond to said instruction. RtI allows for an alternative to the aptitude-achievement discrepancy model for the identification of students with learning disabilities. This strategy allows educators to identify and address academic and behavioral difficulties **prior** to student failure. Monitoring student response to a series of increasingly intensive personalized interventions assists in guiding instruction to prevent academic failure and provides data that may guide eligibility decisions for special education programs and services. The most recent *Michigan Criteria for Determining the Existence of a Specific Learning Disability* document (May, 2010) from the Michigan Department of Education states, "The continued use of severe discrepancy is discouraged. Severe discrepancy must never be used **<u>exclusively</u>** to determine the existence of a SLD. Severe discrepancy must not be used within a response to scientific, evidenced-based intervention process."

<u>Evidenced Based</u>

Beginning in the fall of 2015, Mecosta-Osceola ISD will use MTSS/RtI and/or an analysis of academic pattern of strengths and weakness (PSW) to evaluate for special education eligibility involving Specific Learning Disability.

<u>Purpose and Use of this Manual</u>

The purpose of this manual is to provide Mecosta-Osceola ISD and local school districts a framework for using MTSS/RtI to determine eligibility and entitlement for special education services. The manual provides an overview of the problem solving process at the district, building, and student level, and outlines evaluation procedures and decision rules for using MTSS/RtI and/or a pattern of academic strengths and weakness to determine a Specific Learning Disability; consistent with federal and state mandates.

Problem Solving Process Guidelines

Problem-Solving Process Overview

Problem solving is defined as a process that includes a systematic analysis of a student's behavior or academic difficulties to provide the foundation for planned, systematic interventions. These interventions are then monitored and evaluated to determine effectiveness.

The problem-solving approach focuses on how to resolve the difficulties a learner is experiencing. To understand how best to help a student, information is collected from teachers, parents, and others who best know the child. This information is used to determine what the child needs and how best to assist them. Student progress is measured frequently to determine what is most effective for each student and decisions are based on those results. The problem-solving approach emphasizes assisting children. It is an integrated conceptual model of assessment and services incorporating general and special education efforts. Universal screening data in conjunction with parents', teachers', and other school professionals' input and assessments should be considered when initiating the problem solving process for a student. Progress monitoring data then drives decisions throughout the problem solving process.

Problem solving occurs within the school setting at various levels, and the intensity of the problem dictates the amount of school resources that are directed toward problem solution. The intent of the problem-solving process is to resolve the problem using the necessary resources. **The end result could be eligibility for special education, but only after a systematic, data-based decision-making process has indicated that the student clearly meets the eligibility criteria and demonstrates the need for special education.** The following sections provide process aspects necessary for the use of problem solving and the implementation of tiered interventions at the district, building, and individual levels.

Problem Solving Processes at the District Level

Uniformity of the core components of the problem solving process is important in an MTSS framework. Planning is required at the district level to assure this uniformity is obtained. The core components that should be decided upon at the district level include:

- Early Identification and Intervention Focus
  - Early intervention requires accurate identification of children at risk for failure. Research indicates that early identification and intervention improves student outcomes and prevents small difficulties from becoming larger difficulties.
- Consistency Across Grade Level Using Universal Screening Instruments
  - A standard of comparison should be selected and used to evaluate students' performances as compared to peers' performances on the same standard. The standard chosen must be relevant to the targeted area of concern. It is not limited

to, but may include:
- Local district or national norms
- District measure of peer performance
- Scientifically-based standards and benchmarks (e.g., DIBELS, AIMSWeb)
- Developmental norms

- Data Based Problem Solving Procedures
  - Procedures consistent with MTSS problem solving should be used across the district. These procedures should include the use of multiple levels of support and multiple problem solving steps. The levels of support should include:
    - Consultation between teachers and parents
    - Consultation with other internal and external resources
    - Consultation with an extended problem solving team
    - IEP considerations
  - The problem solving steps must include at the minimum:
    - Problem definition
    - Plan Development
    - Plan Implementation
    - Evaluation of Plan
- Multi-Tiered Academic and Behavioral Interventions
  - Districts should identify or provide evidenced-based academic and behavioral interventions for use within the core curriculum, for students who require supplemental interventions, and for students who require intensive interventions.
- Use of Norm-Referenced Curriculum Based Measurements for Progress Monitoring
  - A district must use data for progress monitoring that accurately indicates skill development and depicts the level of performance data relative to the standard established for peers.
- System of Intervention Integrity Checks
  - Districts should identify individuals familiar with the selected multi-tiered interventions who would provide periodic fidelity checks to verify that the interventions are delivered in a way consistent with their research-based protocol.
- System of Ongoing MTSS and Problem Solving Professional Development
  - MTSS problem solving professional development should be provided at the district level to train building level teams, improve implementation outcomes, build capacity, and disseminate MTSS best-practices throughout the district.

Problem Solving Team Processes at the Building Level

Where available, and to the maximum extent practicable, empirically validated strategies and tactics known to facilitate identification of students with specific learning disabilities shall be employed within the context of a structured, school-based educational problem solving team

process. In a majority of cases, it is anticipated that a formal suspected handicap referral will take place only after this process has been applied, to **include a minimum of two sustained systematic attempts to correct academic and/or behavior problems in the general education classroom and curriculum that fail to yield expected results**. Furthermore, both the implementation and effects of interventions shall be carefully documented and evaluated by the building level team as part of the assessment continuum. Problem solving is a multi-step, dynamic function that may be generally illustrated in the following manner:

Figure 1

Problem Solving Process
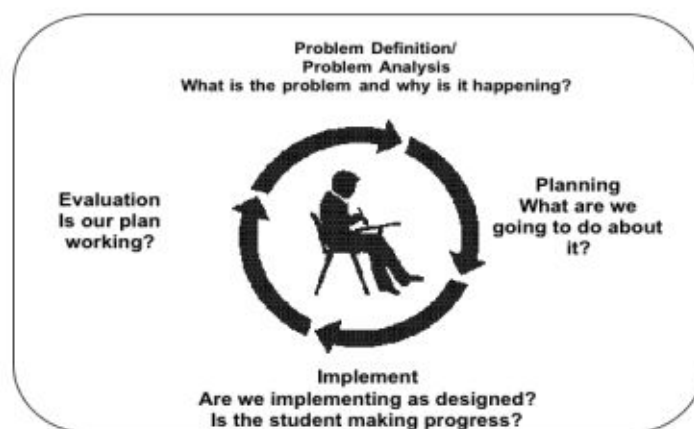
Model for use of sequential steps in the problem solving process
1. Define the problem behaviorally using objective data where possible.
2. Survey performance in the natural setting.
3. Determine current status and performance gap compared to peers.
4. State a target goal based on peer performance expectations.
5. Design an intervention plan, applying scientifically research-based intervention and behavior change principles and protocols.
6. Implement intervention over a reasonable period of time with verified treatment fidelity.
7. Monitor progress frequently using a time series analysis graph to depict behavior. Make changes in the intervention as needed to improve effectiveness or raise goals as indicated by data.
8. Evaluate results compared to goals and peer performance.
9. Make decisions based on data to continue, fade, discontinue or seek more intensive Interventions.

Who makes up the team?
Student performance problems are analyzed by teams, also known as Child Study Teams (CST), Teacher Assistant Teams (TAT), and Student Assistant Teams (SAT), that are composed of individuals who are qualified to make important educational decisions that can help students succeed in school. As a general rule, the composition of a decision making team changes by adding additional specialists' expertise as students move through levels of intervention intensity (i.e., upward through intervention tiers). When using problem solving, decision making teams should always include the student's general education teacher(s) and, when appropriate, the student's parents or guardian. Consistent with state and federal special education regulations, parents should be provided documentation of repeated assessment of student response to intervention at regular intervals and be kept informed of changes in intervention procedures. Decision making team participants may include but are not limited to: the principal; academic and curriculum specialists (e.g., Title I, ELL, and literacy or math consultants); special education teachers; school psychologist; speech and language pathologist; school social worker; guidance counselor; additional general education staff; and para-educators, in addition to parents and the general education teacher(s) of the student.

How does a Child Study Team differ from a Multidisciplinary Evaluation Team (MET)?
The problem-solving team's main objective is to create strategies and circumstances to help children be more academically and behaviorally successful, with a strong focus on maintaining students within general education curriculum and classrooms to the maximum extent that is feasible. Classroom teachers are central and highly valued members of a problem-solving team. The problem solving team promotes a collaborative, collegial atmosphere where educators and parents work together to solve student problems and use dependable and efficient assessment methods to measure the progress of struggling learners.

A MET group is responsible for identifying students who may have educational disabilities and be eligible for special education services as defined by state and federal special education laws. MET groups have typically been comprised of diagnostic specialists, including school psychologists, speech therapists, school social workers, special education teachers, etc. MET groups will continue to be important to ensure that necessary data is collected when considering special education eligibility. However, in practice, it is expected that the majority of information supporting most students' needs for special education programs and/or services is likely to be gathered during the problem-solving process. Other information such as observations, diagnostic assessments, or other informal measures may be requested by the MET. A major task of the MET is to ensure that a comprehensive individualized evaluation is completed for the student in question. The MET may include a portion of the problem solving team as well as any additional individuals relevant to the evaluation/identification process.

Role Expectations: Building level Problem-Solving Team Members

Each building must assign certain staff to support the problem solving model. Primarily, schools must assign a coordinator who will oversee the problem-solving process and ensure the integrity and consistency of the model in their building. Principals may assume this role or should designate individual(s) who will be integral to their problem-solving team and who can provide guidance and support to the team members. While the following role functions are suggested, it is possible and even most practical that some individuals on the team may fulfill more than one role.

Problem Solving Coordinator

The Problem Solving Team Coordinator is expected to monitor the day-to-day operations of the process and any trainings and/or meetings that support school-wide implementation. The coordinator is responsible for collecting and reviewing documentation forms for the problem-solving team and determining which case manager/designated consultant will be assigned to the case.

Key expectations of the Problem Solving Coordinator:
- Notify teachers about the days, times and locations of meetings
- Contact and inform any specialists who need to attend the meeting.
- Ensuring that data essential to the decision making process is collected, including progress monitoring results, intervention plans, and locations of students in various interventions, as well as students who are referred for a special education evaluation.

Meeting Facilitator

Key expectations of Meeting Facilitator:
- Facilitate and focus meeting agendas
- Maintain a collaborative atmosphere
- Resolve conflicts

Recorder

Key expectations of Recorder:
- Complete documentation of the intervention plan
- Remind team about plan components
- Record meeting minutes

Time Keeper

Key expectations of Time Keeper:
- Monitor meeting time and remind team of agenda time limits

Case Manager/Designated Consultant/Coach

Key expectations of Case Manager/Designated Consultant/Coach:
- Inform teacher about the problem-solving process

- Support referring teacher throughout the process
- Help teacher complete documentation forms if necessary
- Collect needed data prior to meeting
- Meet with referring teacher to define the problem prior to the meeting
- Communicate on a weekly basis with referring teacher, interventionist and/or progress monitor
- Provide interventions when appropriate
  Progress monitor when appropriate
- Engage in collaborative and independent monitoring of treatment integrity/fidelity

Interventionist
Key expectations of Interventionist:
- Have knowledge of the available data base of scientifically evidence-based interventions specific to academic or behavioral problems
- Provide interventions with fidelity
- Communicate with classroom teacher and case manager/designated consultant/coach on a weekly basis about intervention effectiveness

Progress Monitor
Key expectations of Progress Monitor:
- Monitor the intervention's progress as directed by the intervention plan
- Communicate on a weekly basis with interventionist, case manager/ designated consultant/coach and/or teacher
- Graphically depict data to display instructional and/or behavioral response trends

What does the team assess?
While the primary focus of the individual problem solving model promoted by Mecosta-Osceola ISD is the learner, we recognize that learning is an interactive process involving **I**nstruction, **C**urriculum, educational **E**nvironments, and the **L**earner = **ICEL**. To facilitate the problem-solving process at all of the intervention tiers, the information collected during assessment must inform instructional decision-making. This may be achieved by deriving information from the ICEL content domains which are most relevant to instruction and learning (i.e., which contain the greatest number of alterable variables) for the student in question. Teams shall collect pertinent data from these domains using four corresponding assessment modalities. These are called **RIOT** procedures:

1) **R**eview of historical records and products
2) **I**nterview of teachers, students and parents
3) **O**bserve student performance in real time functional settings
4) **T**est student through careful use of appropriately matched measurement technologies

*Expanded information about the four ICEL assessment content domains and RIOT procedures is provided in Appendix A, (see also Howell & Nolet, 2000).

Identifying At-risk Students

Universal screening is a critical first step in identifying students who are at risk for experiencing academic difficulties and who might need more instruction. A primary purpose of universal screening is to proactively identify academic difficulties in an effort to remediate those difficulties before they become more significant barriers to later academic success. All students should ideally be administered universal screening measures three times per year (e.g., Fall, Winter, Spring). Schools should ideally use universal screening measures that are efficient, highly reliable, and valid. Universal screening methods are designed to be predictive of specific areas of basic academic skill achievement, for example reading fluency, and should not be used as a comprehensive measure of student ability. Universal screening measures should be used in conjunction with classroom teacher report, historical testing information (MEAP, IOWA, previous classroom based measures, etc.), and other district or classroom assessment (MLPP) to determine student need.

Building Level Universal Screening Steps

1. Create a building-level team to facilitate the implementation of universal screening and progress monitoring activities
2. Select a set of efficient screening measures that, with reasonable accuracy, identify children at risk for poor academic outcomes (examples may include DIBELS or AIMSweb).
3. Use research linked benchmarks or growth rates (or a combination of the two) to identify students at low, moderate, or high risk for developing achievement deficits.
4. Use data to support decision making that matches students with appropriate interventions.

Who provides the interventions?

A variety of persons may provide interventions as part of the problem-solving process. At the general education classroom/core curriculum level, teachers should be the primary providers of interventions and strategies. At higher levels of intervention intensity and frequency, classroom teachers, paraprofessionals, reading teachers, special education teachers, school psychologists, school counselors, etc. may provide interventions. The interventionist should be selected based on intensity of intervention, skill level of interventionist, and training required to deliver the intervention. Moreover, each school needs to determine staff available in the building to provide interventions, what training each individual has had or may need, and the individual's time availability who will be providing interventions.

For how long should interventions be implemented in a problem solving model?

To the extent that they are available, specific prescriptive interventions should be selected based upon their having been scientifically validated and supported in educational research. Interventions must be implemented with fidelity, that is, consistent with procedures outlined in supporting research. **Efforts <u>must</u> be made to assure that the intervention was delivered with appropriate fidelity.** The amount of time necessary to identify and verify effective interventions will vary by skill, the age and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions should be modified as appropriate when a student's progress is found to be insufficient based on original target goals, or discontinued if goals are met. The problem solving team will be responsible for documenting the student's response to instruction/intervention, and for determining whether and when the type or level of intervention needs to be changed to meet the student's need. It is also conceivable that target goals may need to be adjusted based on student response data.

Problem Solving Team Processes at the Individual Student Level

Once a specific student is identified as being "at risk" in a given performance area, the Child Study Team will convene to review information on the child. The team should examine the "knowns and unknowns" in relation to where and how the child is functioning and what skills are missing. The general education teacher(s) should provide as much performance information to the CST as possible.

Assessment in support of intervention design

With respect to the needs of individual students for collaborative systematic decision making, the "problem solving" process is defined by the content of these questions:

What is the problem and why is it occurring?

This initial stage involving problem identification, validation and analysis is crucial and must be completed prior to selection and implementation of any intervention. It is at this stage that the team will apply analysis to all four of the ICEL domains using the RIOT assessment matrix. This is essential in assisting the team toward understanding what background knowledge and experience the learner possesses and what they still need to help them acquire missing skills.

Detailed analysis of the etiology and extent of basic skill deficits can be well supported through application of curriculum based evaluation (CBE) processes and procedures. It is important to bear in mind that CBE is not a specific test or measurement tool. CBE is a problem-solving process involving collaborative efforts of educational stake-holders with the focus of the team's combined efforts being the reduction of a performance gap between a low achieving target student and what is considered normative, or within expectations, for that student's peer group (i.e., age or grade cohort). Because CBE represents the application of a systematic process that abets critical decision making, it is appropriate and useful to consider the importance of maintaining the highest levels possible of the fidelity and efficiency associated with its

implementation course. CBE is a process of inquiry that involves choosing which evidence-based intervention to use as well as the timely monitoring and adjusting of those interventions. The ultimate goal of CBE is to maximize the student's skill acquisition through the targeted collection and synthesis of multisource data.

The CBE inquiry process seeks to answer the following questions in pursuit of solutions that will effectively reduce the target student's performance gap:
- Can the problem be defined in terms of an assumed cause?
- Can the problem be validated?
- Is there adequate information to specify intervention objectives and plan instruction?
- Did the intervention validate the assumed cause of the performance gap?
- How do we know that the intervention program is working?
- What do we do if the intervention plan is not working?

*Please refer to Appendix E for expanded resources delineating the CBE and problem-solving process. See also the reference for Howell & Nolet, 2000.

What will be done about the problem?
Intervention(s) is/are selected, personalized and implemented based on a thorough analysis of the problem.
What intervention do we choose?
Whenever possible, interventions should be selected that are research validated. This means that these interventions are based on what scientific research has indicated to work best in a certain area of instruction. An intervention is considered to be scientifically-based when there is adequate empirical support for its efficacy. This can be accomplished in the form of published peer-reviewed studies of the intervention itself or of major components of the intervention, using research methods with adequate internal and external validity. Evidence-based interventions are interventions which target a specific skill and have been proven effective for a specific population through a scientific experiment. The intervention should be identified as targeting the student's deficit skill area. Interventions are short and specific. They range in intensity based on student needs and progress. Interventions are administered based on need and treatment effect is monitored via formative assessment. Students identified as "at-risk" are typically provided interventions in a small group setting. Intervention groups often meet between three and five times a week for 20 to 40 minutes. If the student does not make adequate growth, the frequency and intensity of individual attention given with the intervention is typically increased. Scientifically validated interventions are expanding in availability and, often, low intensity interventions are available at little to no cost. Whenever possible, interventions should be selected that are practical and time-effective so that staff can more easily maintain treatment fidelity. MTSS interventions should supplement and support core instruction, not supplant core

instruction. See Appendix B for resource web sites that assist in choosing appropriate interventions.

How can we assure the quality of the intervention?

The problem-solving data team must assure the quality of the intervention(s) by documenting the fidelity of the intervention(s). Fidelity of implementation indicates that the intervention was delivered in the manner in which it was designed to be delivered (Gresham, MacMillan, BoebeFrankenberger, & Bocian, 2000). When using Response to Intervention to determine whether a student has a learning disability, the Individuals with Disabilities Education Improvement Act (IDEA, 2004) states that the student must have received appropriate instruction that was delivered with fidelity. An important piece of an MTSS model is that each of the practices used within the model are based on evidence and research. If a practice (e.g., instruction, intervention, progress monitoring) is not implemented with fidelity, it can no longer be called an evidence-based practice. If a program is initially unsuccessful, it is important for schools to know whether it has been implemented with fidelity, so that appropriate changes can be made rather than abandoning the entire program (Johnston et al., 2006). Overall, it is critical that the MTSS process is implemented with fidelity on a large scale and across all education settings, at both the school-wide level and at the individual teacher level (Johnson, Mellard, & Byrd, 2005; Johnson et al., 2006).

Is the intervention working? If not, why not?

Student progress must be verified on a regular schedule using weekly or biweekly skill sampling procedures. While the matching of appropriate interventions to specific problems is best achieved using ICEL/RIOT and Curriculum Based Evaluation (CBE) techniques, student response to intervention is best monitored using Curriculum Based Measurement (CBM) tools because they are specifically designed to document smaller increments of growth at frequent intervals. Data is most readily analyzed when graphically depicted. The student's response trend (slope of the line) can be compared to a typical student's trend or to empirically derived benchmark values to see if the child is making the amount of growth that is needed to reach their near-term goal. Student progress must be monitored on a regular basis, using weekly or biweekly monitoring. Progress monitoring data can be used for multiple purposes, including creating instructional groups, identifying specific skill deficits, assisting in special education eligibility decision-making, and evaluating for reintegration into general education settings. When interpreting a student's response to intervention, consideration should be given to both the rate of improvement needed to close the achievement gap (referred to as *needed* growth) and the rate of improvement that is typical of students at a given grade level (referred to as *expected* growth). The first considers the rate of growth that is needed to close the gap between an individual student's current performance and the grade level expectation. The student's slope, or rate of improvement, can be compared to norm-referenced benchmarks to determine whether growth is

sufficient to close the achievement gap. The second comparison considers the rate of growth *expected* for the student's grade level, based on a norm-referenced standard. This assists in clarifying whether a student who demonstrates delays relative to grade level peers is progressing at a *rate* that is consistent with those peers. Both comparisons are relevant to the determination of a specific learning disability. A rate of improvement that reflects 100% of the *expected* growth is the minimum, while a rate of improvement that meets or exceeds the *needed* growth is optimal. Table 1 provides a research-based standard for both "realistic" and "ambitious" weekly growth on a measure of oral reading fluency (Fuchs, Fuchs, Hamlett, Walz, & Germann 1993). Hasbrouck and Tindal (2006) have also published oral reading fluency data from which one can derive information regarding a student's expected rate of improvement. The AIMSweb aggregate national normative set is another source of such data.

Table 1 (Fuchs & Fuchs Weekly Growth Goals for Oral Reading Fluency).

Oral Reading Fluency
Words Read Correctly / 1 Minute

Grade	Reasonable	Ambitious
1	2	3
2	1.5	2
3	1	1.5
4	0.85	1.1
5	0.5	0.85
6	0.3	0.65

These weekly rate of improvement (ROI) goals should be measured using standardized curriculum-based measures. As an alternative to expert given rate of improvement goals, weekly ROI goals for curriculum-based measures for writing, math problem-solving, math calculation, and reading comprehension (i.e. MAZE) can be calculated by multiplying the average rate of improvement for those measures by 1.5 for reasonable goals and 2.0 for ambitious goals (Shapiro 2008). For example, AIMSweb lists rates of improvement in their Multi-Year Aggregate Growth Table. If one was monitoring the reading skills of a 4th grade student, the rate of improvement of a student at the 50th percentile using the growth table is .2 words circled correctly per week. To find a reasonable rate of improvement goal, one would multiply .2 by 1.5 to determine the student's reasonable weekly rate of improvement goal. To find an ambitious rate of improvement goal, one would multiply .2 by 2.0 to determine the student's ambitious weekly rate of improvement goal.

Table 2 provides guidelines for the consideration of SLD eligibility based on a student's percent of expected growth.

Looking at Percent of Expected Growth

	Tier I	Tier II	Tier III
Greater than 150%			
Between 110% & 150%			Possible LD
Between 95% & 110%			Likely LD
Between 80% & 95%	May Need More	May Need More	Likely LD
Below 80%	Needs More	Needs More	Likely LD

Tigard-Tualatin School District
(www.ttsd.k12.or.us)

After data has been analyzed relative to *needed* and *expected* growth rates, decisions can be made regarding the need to implement changes in instruction and/or intervention. It is important to ensure that adequate data points have been gathered (research suggests 6 to 10) and that interventions have been implemented with fidelity.

Practical considerations relevant to data collection and analysis include the following:
- Who needs to be monitored? (i.e., who is at-risk?)
- Who will collect, score, enter, and graph data?
- Who will monitor student growth? When? How Often?
- How will this information be communicated to teachers, parents and team members?
- What changes should be made to instruction and/or intervention?
- Under what circumstances should a child be monitored using material that is off grade level?

When should a referral be made to determine special education eligibility?
As mentioned previously, a student may be referred to the MET team to determine special education eligibility after a minimum of two interventions have been tried and the child has demonstrated growth far below the typical (i.e., locally normal) age/grade level rate of acquisition. The timeline for decisions about the intervention outcome depends on the frequency of progress monitoring. Six to ten progress monitoring data points are usually recommended before making a decision regarding intervention effectiveness. If the student's rate of improvement is not adequate to achieve their performance goal, the intervention(s) must increase in intensity or change to a different treatment. If a child is showing adequate growth, interventions should be maintained and monitored through the CST process until the child meets age/grade level expectations. It is an essential task of the CST or "problem solving team" to

determine when a "reasonable" amount of time and intensity have been directed at a specific student and the targeted skill, and whether lack of expected response has occurred.

The school district must document that parents received specific information concerning their student's participation in any response to scientific, evidence-based intervention process. The information parents receive must include:
- Amount and nature of student performance data that will be collected and general education services that will be provided.
- Strategies for increasing the student's rate of learning.
- Parent's right to request an evaluation.

> **A school district must not delay or deny an otherwise appropriate referral or request for an evaluation based on a district's use of a response to scientific, evidenced-based intervention process.**
>
> *- Michigan Department of Education*
> *Michigan Criteria for Determining the Existence*
> *of a Specific Learning Disability, May 2010*

Evaluation for Specific Learning Disabilities

Background and Law

In Michigan, prior to the 2004 reauthorization of the IDEA, the identification of a student suspected to have a SLD was based on a single, specific method as defined in the MARSE. That method was the severe discrepancy model. The 2004 reauthorization of the IDEA expressly prohibits all states from requiring the use of the severe discrepancy model.

In September, 2008, Michigan finalized rules to address the requirement that states adopt criteria for determining specific learning disability. Language mirrors federal language in §300.8(b)(10):

R 340.1713 Specific learning disability defined; determination.
  1. "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of

environmental, cultural, or economic disadvantage.

 *2. **In determining whether a student has a learning disability, the state shall:***
   (a) Not require the use of a severe discrepancy between intellectual ability and achievement.
   (b) Permit the use of a process based on the child's response to scientific, evidenced-based intervention.
   (c) Permit the use of other alternative evidenced-based procedures.

R 340.1713 also adds the following language that mirrors federal language in §300.309:
 3. A determination of learning disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:
   (a) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.
   (b) At least 1 person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.

The MDE OSE-EIS Michigan Criteria for the Determining the Existence of a Specific Learning Disability document authored in October 2010 indicates the following:

> Within a systemic plan, it is essential to include a data-driven, decision-making process based on each individual student's needs.
> An evaluation plan for determining SLD eligibility begins with the collection of pertinent data. The data used will be dependent upon the process (or processes) currently used in the district (and specific schools) for determining the existence of a SLD:
>
> **Response to Scientific, Research-Based Intervention Process:**
> 1. The student does not achieve adequately for the student's age or to meet State approved grade-level standards in one or more of the areas identified at 34 CFR §300.309(a)(1)(i) when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards; and
> 2. The student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified at 34 CFR §300.309(a)(1)(i) when using a process based on the student's response to scientific, evidenced-based intervention.

Pattern of Strengths and Weaknesses Process:

1. The student does not achieve adequately for the student's age or to meet State approved grade-level standards in one or more of the areas identified at 34 CFR §300.309(a)(1)(i) when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards; and

2. The student 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 MET to be relevant to the identification of a SLD, using appropriate assessments, consistent with the IDEA Evaluation Procedures and Additional Requirements for Evaluations and Reevaluations.

The continued use of severe discrepancy is discouraged. Severe discrepancy must never be used exclusively to determine the existence of a SLD. Severe discrepancy must not be used within a response to scientific, evidenced-based intervention process.

Mecosta-Osceola ISD Eligibility Model Recommendation:

Given the updates in federal and state guidelines, it is recommended that the evaluation team:

- Use the data from a response to intervention (MTSS) process in its consideration of eligibility for SLD;
- In the event that MTSS practices are not fully implemented in the area of concern, the team may use assessment results to determine whether a child exhibits an academic pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards.
- The use of a severe discrepancy between achievement and intellectual ability may not be used solely to determine eligibility. Data from standardized ability and achievement instruments may be incorporated with other assessment data to demonstrate a pattern of strengths and weaknesses.
- If a school in a district has a fully implemented response to scientific, evidenced-based intervention process in select grades, the school must use data from its response to scientific, evidenced-based intervention process to document interventions and student progress for the purpose of determining the existence of a SLD. The other grades in that school, and the other schools in the district (i.e., secondary grade level buildings) who have not fully implemented a response to scientific, evidenced-based intervention process must use a pattern of strengths and weaknesses process until each grade is phased in to full implementation.

Comprehensive Evaluation

Federal commentary makes it clear that RtI is only **one component** of the evaluation. "Determining why a child has not responded to research-based interventions requires a comprehensive evaluation," and cites §300.304(b) which requires that a special education evaluation include a variety of assessments.

> An RtI process does not replace the need for a comprehensive evaluation. A public agency must use a variety of data gathering tools and strategies even if an RtI process is used. The results of an RtI process may be one component of the information reviewed as part of the evaluation procedures required under §§ 300.304 and 300.305. As required in § 300.304(b), consistent with section 614(b)(2) o the Act, an evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion for determining eligibility for special education and related services. -71 Fed Reg. 46,648

Comprehensive assessment requires:
- *"**a variety of assessment tools and strategies** to gather relevant functional, developmental and academic information about the child, including information provided by the parent," §300.304(b)(1)*
- *"**assess[ment] in all areas related to suspected disability**, including, if appropriate, health, vision, hearing, social/emotional status; general intelligence; academic performance; communicative status; motor abilities;" §300.304(c)(4)*
- *"**assessment sufficiently comprehensive** to identify all of the child's special education and related service's needs, whether or not commonly linked to the disability category in which the child has been classified." §300.304(c)(6)*
- *"**information from a variety of sources**, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior;" §300.306(c)(1)*

The evaluation for SLD eligibility is completed for two purposes: (1) to clarify eligibility and (2) to define the starting point for further interventions. The federal regulations indicate the need for evaluation planning to determine the scope of an evaluation. This must include "ruling in":
- Inadequate achievement and progress in age and/or grade level content
- Adverse impact to the point that the child requires special education and/or related services.

and "ruling out":
- Inadequate achievement due to other disabilities/factors
- Inadequate achievement due to lack of appropriate instruction

The evaluation provides the basis for further instruction by establishing the **present level of academic achievement and functional performance (PLAAFP)**, which includes:

1. Data and other specific descriptive information on the student's current academic performance, indicating both strengths and areas of need.
2. Data and other specific descriptive information on functional skills, including behavior, communication, motor, daily living or other skills related to school and age appropriate activities.
3. Defining specific needs that are a priority for the student's learning or support in the general education program.
4. Describing the impact of the characteristics of the student's disability on his/her performance and access to the general education curriculum and setting which will lead to decisions on supports, accommodations and modifications that are necessary for the student's participation in general education instruction and activities.

Initiation of Evaluations and Timelines:

(c) The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in § 300.306(a)(1)— (1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and (2) Whenever a child is referred for an evaluation.

Michigan rules that specify 30 school days from consent to holding an IEP meeting, must be followed unless the parent and district mutually agree to extend the timeline. This request can be made in the event that the evaluation will address response to intervention after the request for an evaluation.

Further, the district is required to address the question of disability if a student has not made progress after an appropriate period of time with appropriate intervention. The length of time may vary, depending on the circumstances, but the district should not delay unnecessarily once a disability is suspected.

Although extended evaluation timelines may be requested in order to implement appropriate interventions and collect data on the student's response, if a parent does not agree to extend the timeline, then the evaluation must proceed and an IEP team meeting convened within the 30 school days allowed under state rules. Whether eligibility can be determined will depend on whether the IEP team has the necessary rule-in, rule-out, and documentation data required for SLD identification.

IDEA 2004 Regulation §300.309 Determining Specific Learning Disability

IDEA Regulation §300.309 serves as the key regulation in the framework of determining SLD eligibility and defines elements of the evaluation process

I. Establish lack of achievement relative to age or state approved grade level standards, when provided with appropriate learning experiences and instruction.

Evaluation of current data and further evaluation must establish and document:
- Inadequate achievement relative either to age level or grade level standards.
- Appropriate instruction

Federal rule specifies that eligibility evaluation must address the age appropriate instruction that the student has received and the achievement of the student related to grade level standards. Although age is one variable, the emphasis on state approved grade level standards reflects the priority that all instruction for students address grade level content standards.

> *§ 300.309 Determining the existence of a specific learning disability.*
> - *The group described in § 300.306 may determine that a child has a specific learning disability, as defined in § 300.8(c)(10), if—*
>
> - *The child 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*

Although the federal regulations do not define standards for "appropriate instruction", the USDOE does note that such instruction has the following characteristics:
- Scientifically research based
- Provided by qualified personnel
- Student progress data is systematically collected and analyzed

II.   Demonstrate insufficient progress to meet age or grade level standards.

> *(2)(i) The child does not make sufficient progress to meet age or State approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child's response to scientific, research-based intervention; or (ii) 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, consistent with §§ 300.304 and 300.305;*

Documentation that the student is not making adequate progress, subsections 2(i) and (ii) may be completed in one of two ways: (1) determine that the student has not responded adequately, despite the provision of high quality, individualized general education instructional interventions, or (2) by demonstrating a pattern of strengths and weaknesses, given appropriate instruction.

Response to scientific, research-based intervention (RtI):
The federal regulations do not specify which research-based interventions must be used or how their effects are measured, instead leaving the states with flexibility to determine criteria to best meet local needs. For clarification, please see previous section on problem solving for evaluation procedures prior to and during a comprehensive evaluation. Please reference Appendix H for an MTSS case study describing procedures for an individual student evaluation. Resources such as the Florida Center for Reading Research (www.fcrr.org), What Works Clearinghouse (http://ies.ed.gov/ncee/wwc/), and Intervention Central (www.interventioncentral.org) provide a listing of current research-based interventions. Guidance on research-based practices may also be found in *Response* to *Intervention*: *Enhancing the Learning of All Children*, published by the Michigan Assoc. of Administrators of Special Education (LaPointe & Heinzelman, 2006). Please see Appendices B, C, and D for a more comprehensive list of resources and interventions.

Pattern of strengths and weaknesses:
Determining a pattern of strengths and weaknesses is the second option described by federal regulations. This option may be used in districts/buildings/grades when an MTSS/RtI option is not feasible. MTSS often requires that the district systematically implement the methodology over a period of time, establish district norms and determine procedures for providing Tier 2 and 3 interventions. At this time, MTSS is not possible for all areas included in the SLD definition. Also, there may be students arriving in the district in need of evaluation who have not had the opportunity to be evaluated with reference to a systematic intervention process.

The pattern of strengths and weaknesses alternative is based on assessment and a comparison of achievement and performance in a variety of areas, with documentation of areas of strengths and

weakness. Assessments include documentation of the student's performance and achievement relative to Michigan benchmarks and/or national standards and classroom data either at the student's age level or assigned grade level. As with RtI, assessments must include review of research based interventions and student achievement on State approved content.

Guiding Principles for Using PSW in the Determination of SLD

- All children must be offered age appropriate instruction that is directly related to grade level content expectations.
- Interventions are implemented within MTSS problem-solving model, even if a school may not yet have the capacity to fully implement a three-tiered MTSS system.
- Establishing a pattern of strengths and weaknesses involves classroom performance documentation along with curriculum-based, criterion-referenced and/or norm referenced academic/intellectual assessment.

Local Criteria for Using Appendix F „Worksheet for Charting PSW"

1. Definitions of terms used in worksheet:
    a. Academic Achievement – results on curriculum-based measurement (e.g., DIBELS), criterion-referenced assessment (e.g., Brigance), norm-referenced (e.g., Woodcock-Johnson Achievement Test), and state (MEAP) assessments.
    b. Performance – actual performance in the classroom, as assessed by the students in-class assessment results, grades, teacher anecdotes and observations.

2. Suggested requirements for using „patterns of strengths and weaknesses" to determine SLD eligibility:
    a. A student shall have a least **four** <u>weak</u> boxes in a single academic area checked; with one being a curriculum-based measure. In addition, for initial evaluations, at least one weakness must occur on an individually administered, norm-referenced academic achievement test.
    b. At least **<u>one</u>** other academic area is considered a strength, with at least 3 boxes

checked totally as a strength and/or the functional/intellectual box is checked as a strength.

    c. The IEP team shall determine if the student's weaknesses warrant special education services.

3. Other notes:

    a. When determining age-based achievement and performance, the evaluator should consider whether or not the student has received appropriate instruction for those age-based skills. For example, a student retained in second grade cannot be compared with third grade students if that student never received third grade instruction

    b. If the student's weak areas are primarily in performance rather than in achievement (i.e., the student has the academic skill but does not do the work in the classroom), then the school should consider different types of interventions other than academic (e.g., motivation or engagement)

    c. If a student is placed into special education and the intent of the school is to catch the student up academically, the student's instructional time for that area should not be reduced from what it was when the student was only receiving general education services.

III: Rule out of exclusionary factors

The MET is required to consider what are commonly referred to as "exclusionary" factors. It must be clearly understood that a student to whom one of these factors applies might still be appropriately determined as SLD eligible. The issue is one of "primary cause" for the SLD. With the changes in SLD eligibility criteria, serious consideration of these factors has become even more important.

The evaluation team must address and rule out other factors as the primary cause of the child's learning difficulties, including:
- Inadequate achievement due to other disabilities/factors
- Inadequate achievement due to lack of appropriate instruction

Presence of other disabilities/factors

Visual,

> (3) The group determines that its findings under paragraphs (a)(1) and (2) of this section 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; or
>   (vi) Limited English proficiency

hearing or motor disability- Ruling these areas out as the primary cause of underachievement may involve district screening results; teacher and parent input; or evaluation by a family physician, ophthalmologist, optometrist, audiologist, otolaryngologist, or neurologist, OT, PT or other evaluation staff.

Mental retardation (cognitive impairment)- The evaluation report must include data that would allow the IEP Team to determine whether cognitive impairment was the primary cause of the underachievement and either lack of progress or pattern of weakness. This could be done by affirmatively assessing for cognitive impairment or by record review information that would be contraindicative of such an impairment.

Emotional disturbance- The evaluation report must include data that would allow the IEP Team to determine if an emotional impairment is the primary cause of the student's learning problems. Again, this could be done by affirmatively assessing for emotional impairment or by record review information that would be contraindicative of such an impairment or such a primary role.

Cultural, environmental or economic disadvantage- The evaluation must establish the primary cause of the disability and must rule out causative factors not related to disability, such as:
- Poor school attendance or frequent school changes causing lack of appropriate instruction due to inconsistent instruction or gaps in learning.
- Family stressors, including pressures from family situations or poverty should be eliminated as factors causing interruption or interference in learning
- Cultural or ethnic background different from the norm or majority group should be considered both as a factor which may cause interference in approaching learning or as a factor in the perceptions of those who work with the child.

Limited English proficiency- English language learners who do not achieve commensurate with other children their age, despite research based interventions may be referred for special education evaluation and services. However, assessment must consider the child's cultural and language differences:
- Selection must be non-discriminatory with respect to race and culture
- Administration must be in the child's native language or in a form that will best estimate the child's abilities.

Lack of Appropriate Instruction:

Federal guidance indicates that "children should not be identified as having a disability before concluding that their performance deficits are not the result of a lack of appropriate instruction." Although the child is not required to have any *specific* research based instruction prior to

identification, the evaluation team must be able to conclude that lack of appropriate instruction is not the determinant factor in the child's underachievement. The student may be provided with

> *(b) To ensure that under achievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306—*
> *(1) 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; and*
> *(2) 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.*

interventions either prior to the evaluation or as a part of the evaluation process.

SLD eligibility requirements specify the need for documentation of appropriate instruction in the regular education setting by qualified personnel. The regulation notes that data may describe instruction prior to, or as part of the referral process.

*Examples of appropriate instruction documents:
- Chronology of student's educational history-
  o Teacher anecdotal records
  o Grade retentions
  o Attendance
  o Grades

- General Education Curriculum
  o 5 essential components of reading- phonemic awareness, phonics knowledge, fluency, vocabulary and comprehension
  o Math- conceptual understanding, computational and procedural fluency, fact fluency and problem solving skills.
  o District's curriculum is aligned with state standards
- Fidelity of instruction
  o 80% of students within the classroom are meeting state/district standards
  o Differentiated instruction, universal design principles
  o Multi-tiered intervention practices
  o Individualized instructional practices
  o Staff training in effective instructional programs / strategies
  o Observation of classroom instruction or the use of checklists by teachers, peers or content specialists

If response to intervention is used to determine SLD eligibility, the interventions used must have

the following characteristics:

- Interventions must be research-based in their nature, frequency, and duration.
- Delivered by staff who have been trained in the interventions utilized.
- Interventions must have embedded fidelity checks documented.
- Results of interventions must be documented and reported.

Language regarding reasonable intervals implies that yearly M-STEP/MEAP assessment would not meet this criterion. Rather, the district will want to demonstrate practices that might include universal screening, curriculum based measurement, and progress monitoring, the results of which are shared periodically with the parent.

It should also be noted that, although §300.309(b) refers specifically to reading and math, the regulations also require that the student be provided with *learning experiences* and *instruction appropriate for the child's age or State-approved grade level standards* in all areas being considered for SLD eligibility. Best practice would indicate that the documentation required in §300.309(b) would also apply to instruction in the other areas of eligibility.

*For an additional resource, please see Appendix G: Exclusionary Factors Worksheet

IDEA 2004 Regulation, §300.310, Observation

When considering the presence of a Specific Learning Disability, the district must ensure that observations document the student's academic performance and behavior in the area(s) of difficulty.

§ 300.310 Observation.
(a) 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.
(b) The group described in § 300.306(a)(1), in determining whether a child has a specific learning disability, must decide to—
(1) 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
(2) Have at least one member of the group described in § 300.306(a)(1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with § 300.300(a), is obtained.
(c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age

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During the evaluation planning process, the evaluation team and the parent must determine whether the documentation of observations will include information gained prior to the initiation of the formal evaluation or if observations will be conducted as part of the evaluation plan. Observations must occur in the regular classroom, specific to the academic performance area of concern. Exceptions to observations occurring in the regular classroom include:

- Students who are out of school due to disciplinary or health reasons
- Older students who had previous eligibility but have been out of school for an extended period of time.
- Younger students who are not yet attending K-12 programming.

Regulations specify that, given exceptional circumstances, the child must be observed in an age appropriate environment.

Documentation for Specific Learning Disability Determination

§ 300.311 in the federal guidelines provides a checklist for required elements of a written report documenting the evaluation team's decision regarding eligibility of SLD.

Documentation must include:
1. Statement of eligibility, or lack of eligibility, for specific learning disability
2. Basis for the determination of eligibility
3. Assurance that during the determination process the district:
   a. Collected information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, information about the child's physical condition, social or cultural background and adaptive behavior.
   b. Documented and carefully considered information obtained from a variety of sources.
4. Relevant behavior noted in observations, and the relationship of the behavior to the child's academic functioning
5. Relevant medical findings.
6. Achievement measured to age expectations or state-approved grade level standards.
7. Progress monitoring related to age or grade level standards.
<div align="center">or</div>

8. Determination of a pattern of strengths and weaknesses in performance, achievement or both, relative to age, State-approved grade level standards or intellectual development.
9. Determination of exclusionary factors
10. If the child participated in a process that assesses the child's response to scientific, research- based (or, if necessary, best practice) interventions, documentation of:
    a. Instructional strategies utilized

b. Student-centered data collected

c. Parent notification about:

    i. State policies regarding MTSS/RtI criteria- data and services requirements

      (Note: the SLD rule, R 340.1713, is Michigan's policy.)

    ii. Strategies used for increasing the student's rate of learning

    iii. Parent right to request an evaluation.

11. Evaluation team members and parent must certify whether the report reflects the member's conclusion.

    a. Members in disagreement must submit a separate statement presenting dissenting conclusions.

Appendix A
Explanation of RIOT and ICEL matrix and content assessment domains

I.   Instruction: Instruction is <u>how</u> curriculum is taught. This domain includes instructional decision making regarding materials and curriculum level. Progress monitoring and the ability to control success rate are also included. Examples of other instructional variables include giving clear directions, communicating expectations and criteria for success, direct instruction with

explanations and cues, sequencing lesson designs to promote success and offering a variety of activities and experiences for practice and application.

Once an appropriate curriculum is implemented, instruction should be examined for effectiveness starting with the whole group. This can be determined by asking the following questions:

- Have the research-based practices been shown to increase student performance?
- Have effective practices been implemented with fidelity in ways that students will benefit?
- Do materials have documented efficacy?
- Has a sufficient amount of instructional time been allotted for curriculum implementation?
- Is instruction tailored to meet students' current levels of knowledge (instructional level)?
- Is instruction organized so that pre-requisite skills are taught sequentially?

II. Curriculum: Curriculum refers to what is taught. This domain includes the long range direction, intent, and stated outcomes of the course of study. It also includes the content arrangement, and pace of steps leading to the outcomes. Before instruction can be aligned with student needs, an appropriate curriculum that has been carefully selected should be in place. To assure curriculum alignment you need to:

- Make sure that the curriculum is aligned and matches appropriate state and district standards and benchmarks.
- Be certain that core components are introduced and reinforced at appropriate levels within the curriculum.
- See that the curriculum is taught consistently in all of the classrooms.

III. Environment: The environment is where the instruction takes place. This domain includes all aspects of the classroom setting such as physical arrangement, rules, management plans, routines, and expectations. It may also include out of class variables such as peer and family influence, and job pressure for students at the secondary level.

Environmental considerations cover a wide range of factors. The setting, routines and rules should be closely scrutinized. This includes:

- Making sure that the physical environment (seating arrangement, lighting and noise-level) are appropriate; and
- Determining if routines and behavior management plans are conducive to learning.

IV. Learner: The learner is <u>who</u> is being taught. The most important learner variable is his or her current knowledge, sometimes referred to as 'prior knowledge' of the task that they need to learn. This is the last domain to consider when planning interventions. Before the student's skills and motivation are called into question, it should be confirmed that the curriculum and instruction are appropriate and the environment positive. Interventions in the student learner domain are not likely to be successful if problems in the other domains are not adequately addressed. Fixed, or unalterable, traits such as a student's 'ability', race, gender or family history are the last domain to consider when planning interventions.

Here are some example variables from each content domain:

Instruction	Curriculum
- Instructional decision making regarding selection and use of materials - Instructional decision making regarding placement of students in materials - Use of progress monitoring - Clarity of instruction - Communication of expectations and criteria for success - Direct instruction with explanations and cues - Sequencing of lesson designs to promote success - Use of a variety of practice and application activities - Pace and presentation of new content	- Long-range direction for instruction - Instructional philosophy/approaches - Instructional materials - Intent - Stated outcomes for the course of study - Arrangement of the content/instruction - Pace of the steps leading to the outcomes - General learner criteria as identified in the school improvement plan and the district curriculum and benchmarks and state standards
Environment	**Learner**
- Physical arrangement of the room - Furniture/equipment - Rules - Management plans - Routines - Expectations - Peer context - Peer and family influence - Task pressure	- Prior knowledge of the target task - Academic performance data - Related social/behavioral performance data - This is the last domain that is considered and is only addressed when the curriculum and instruction are found to be appropriate and the environment is accommodating

Appendix B
Resources for Research-based Interventions

Florida Center for Reading Research
www.fcrr.org
Provides free and printable student center activities for kindergarten through fifth grade that target phonological awareness, phonics, fluency, vocabulary, and comprehension skills. Additional resources include reviews of supplemental and comprehensive intervention reading programs.

What Works Clearinghouse
 http://ies.ed.gov/ncee/wwc/
Website devoted to scientific research in education. Provides reports and reviews for published interventions in multiple areas including reading, mathematics, English language learners, and early childhood education.

Intervention Central
www.interventioncentral.org
Contains CBM Warehouse with CBM probe generators and administration manuals for early literacy skills, oral reading fluency, comprehension, early numeracy, math computation, math concepts and applications, and written expression. Website also provides numerous academic and behavioral resources including intervention strategies such as Repeated Readings, Paired Readings, Cover-Copy-Compare, and Mystery Motivator.

Doing What Works
http://dww.ed.gov
Sponsored by the U.S. Department of Education, this website provides an online library of resources to aid in evidenced-based instructional practice. Includes tools for data-driven improvement, quality teaching, literacy, math and science, comprehensive support, and early childhood.

The Access Center: Improving Outcomes for All Students K-8
www.k8accesscenter.org
Contains resources to improve educational outcomes for elementary and middle school students. Although the project is no longer active, the website continues to be maintained.

Free Reading

www.free-reading.net

Free reading intervention programs for kindergarten through third grade which includes literacy activities and lesson plans. Available resources include picture cards, decodable passages, and word list generator.

RtI Wire

http://www.jimwrightonline.com/php/rti/rti_wire.php

Free online Response-to-Intervention resources, including information on the RtI model, problem-solving teams, interventions, progress monitoring, and data analysis with graphs.

Scientifically-Based Research: A Link from Research to Practice

www.gosbr.net

Contains academic interventions in the areas of reading, mathematics, and writing.

Center on Instruction

www.centeroninstruction.org

Provides materials and resources to improve outcomes for students in kindergarten through twelfth grade in the areas of reading, mathematics, and science. Also provides resources for special education and English language learning. Center on Instruction website also contains link to MTSS Classification Tool and Resource Locator (www.rtictrl.org).

Reading Rockets

http://www.readingrockets.org/teaching/reading101

Provides video demonstrations for evidence based interventions targeting the big 5 areas of reading. Provides best-practices for teaching struggling readers.

PBIS: Positive Behavioral Interventions and Supports

http://www.pbis.org/

Provides resources for positive behavioral interventions and supports at core, supplemental, and intensive levels. Includes information on behavioral expectations, teaching appropriate behavior, classroom management tools, behavior support plans, and functional assessment tools.

Oregon Reading First Initiative

http://oregonreadingfirst.uoregon.edu

Provides information on Oregon's Reading First initiative, including the Big Five Ideas in reading, effective instruction, and classroom management. Also includes links for assessment, leadership, and professional development.

Vaugn Gross Center for Reading and Language Arts

Emphasizes scientifically-based research to improve instruction for all students. Provides intervention booklets, professional development guides, and videos for students in pre-kindergarten, primary and secondary grades, English as a Second Language programs, and special education programs.

Appendix C
Research-based Intervention Programs for Reading (Endorsed by Mecosta-Osceola ISD)

Corrective Reading (SRA): An intervention program designed for students in grade four and above that involves both decoding and comprehension strands to effectively target needs of struggling readers. This intervention program is intended for Tier 3 use.

PALS K-1: Peer-Assisted Literacy Strategies: A 20-week supplemental program intended for Tier 1 use that provides kindergarten and first grade students instruction and practice in phonemic awareness, essential letter knowledge, and critical decoding strategies. PALS includes teacher training lessons, daily direction cards, student games sheets, and reproducibles.

PALS 2-6: Peer-Assisted Literacy Strategies (PALS): A whole class program intended for Tier 1 use that builds fluency and comprehension through a set of activities completed by pairs of students, with each student assuming roles of coach and reader. PALS creates an opportunity for struggling readers to assume an integral role in a valued activity. PALS includes teacher training lessons, daily direction cards, student games sheets, and reproducibles.

High School PALS: Peer-Assisted Literacy Strategies: An intervention program intended for Tier 1 or 2 use that focuses on reading comprehension and fluency for students in grades 6-12. High School PALS actively involves and motivates students in tasks they can perform successfully, increases student opportunities to read, expands instructional resources in the classroom, and provides for positive and productive peer interaction.

REWARDS®: An intense, short-duration intervention program that uses teacher-directed instruction, requires minimal teacher training, and aligns with components of scientifically based reading research. It explicitly teaches decoding and fluency with an integrated approach. REWARDS products also target essential skills such as vocabulary, content area reading and writing, and sentence writing and revision.

Road to the Code: A short-duration intervention program designed for kindergarteners and intended for Tier 2 use. This program teaches phonemic awareness and alphabetic principle through activities such as Say-It-and-Move-It, Letter Name and Sound Instruction, and Phonological Awareness Practice. Program contains detailed scripted instructions and reproducible materials and allows flexibility to work with students individually or in small groups.

Six-Minute Solution: A Reading Fluency Program: This reading program is a fast, fun, evidenced-based way to increase reading fluency and comprehension. This program utilizes repeated readings with peer-monitoring and feedback to effectively build reading fluency skills. It can be used for small or large intervention groups, and it is intended for Tier 2 use.

Appendix D
Possible Research-based Intervention Programs for Math
(Source: Illinois Flexible Services Delivery System Consortium: Evidenced-based Interventions Committee and Ingham MTSS Committee)

Program	Description	Review or Endorsement
Odyssey Math Authors: CompassLearning®	Odyssey Math is a web-based K–8 mathematics curriculum and assessment tool designed to allow for instructional differentiation and data-driven decision making. The online program includes electronic curriculum and materials for individual or small group work, assessments aligned with state curriculum standards, and a data management system that allows teachers to develop individualized instructional and assessment tools, as well as track individual and classroom student performance. *Odyssey Math* can be used as a standalone curriculum or as a supplement to other mathematics curriculum.	http://ies.ed.gov/ncee/wwc/reports/elementary_math/odysseymath/index.asp
Go Solve Authors: Tom Snyder Productions	GO Solve Word Problems incorporates research-validated methods that have been shown to produce good problem-solving habits and improved performance. Specifically, GO Solve Word Problems explicitly introduces students to the most common types of arithmetical situations reflected in word problems. The program uses graphic organizers to help students construct concrete mental models of the situations and relationships among the information in each problem.	http://www.tomsnyder.com/reports/GSWP_whitepaper_0706.pdf
PALS Math Authors: Lynn Fuchs and Doug Fuchs	This intervention utilizes peer-assisted learning strategies to support math skill development. It is available at 3 levels: K, 1st Grade, and 2nd-6th Grade	PALS Vanderbilt Kennedy Center for Research
Great Leaps Authors: Cecil Mercer, Kenneth Mercer, and Kenneth Campbell	This program focuses on building fluency in basic math facts (addition, subtraction, multiplication, and division).	Website claims that this program has been field-tested with data showing excellent student progress and teacher acceptance.
Accommodating Students with Disabilities in Math and Science: A Resource for Teachers Author: DO-IT MATH-SCI	DO-IT is a collaboration of Computing & Communications and the Colleges of Engineering and Education at the University of Washington. Primary funding for DO-IT is provided by the National Science Foundation, the State of Washington, and the U.S. Department of Education. The goal of the MATH-SCI project is to provide resources for creating effective accommodations for students in science and math classes.	National Science Foundation U.S. Department of Education and State of Washington

The Inclusive Classroom Mathematics and Science Instruction for Students With Learning Disabilities Author: Denise Jarret	This document is part of a series from the Northwest Regional Educational Laboratory entitled, "It's Just Good Teaching." It describes some research-based instructional strategies in the area of sciences and math that support inclusive classrooms.	U.S. Department of Education grant
Transitional Math (TransMath) Author: John Woodward	This program is designed to meet the needs of students scoring at or below the 40th percentile on standardized tests. It focuses on procedural knowledge, real-world application, conceptual understanding and problem-solving. Three different levels are available. Level 1: Developing Number Sense Level 2: Making Sense of Rational Numbers Level 3: Understanding Algebraic Expressions	The following link provides access to articles presenting Woodward's research findings on the programs:
Word Problems Made Easy Author: Don Crawford	Each Word Problems Made Easy grade level book contains 160 days worth of word problems, taught using explicit step-by-step methods.	Research Support for this intervention
Mastering Math Facts Author: Don Crawford	This structured program allows for sequential practice of math facts. It includes practice material for all four math operations. It takes six-seven minutes of class time each day and students progress through the program as they meet specified criteria.	The following links to a document which describes the research support for this intervention:
Vmath By: Voyager	Vmath provides math intervention for students in grades 3-8. It provides daily, explicit, systematic instruction in essential math concepts, skills and strategies.	The following provides links to the research support for this intervention:

Appendix E
Problem Solving & CBE - Essential Resources

A variety of CBM techniques and technologies are now in wide spread use as components of contemporary problem solving models. An excellent print resource that succinctly, but expertly, defines the CBM process is:

M. Hosp, J. Hosp & K. Howell (2007). *The ABCs of CBM: A practical guide to curriculum-based measurement*. New York: The Guilford Press. (ISBN 978-1-59385-399-0).

Another recommended practical print resource that provides instruction and guidance in essential skills for analyzing and presenting data in support of valid educational decision making is:

T. Riley-Tillman and M. Burns (2009). *Evaluating Educational Interventions: Single-case design for measuring response to intervention.* New York: The Guilford Press. (ISBN 978-1-60623-106-7).

Explicit procedures outlining the application of Curriculum Based Evaluation (CBE) processes are available in the following print resources that were used in the creation of this document and which are strongly endorsed by its authors:

Howell, K.W., & Nolet, V. (2000). *Curriculum-based evaluation: Teaching and decision making* (3rd ed.). Belmont, CA: Wadsworth. (ISBN 0-534-34370-8).

National Association of School Psychologists (2008). Best Practices in School Psychology V. Bethesda, MD: NASP Publications. (Chs. 17, 20-30) (ISBN 978-0-932955-70-8).

Rathvon, N. (2008). Effective School Interventions: Evidence based strategies for improving student outcomes (2nd ed.). New York: The Guilford Press. (ISBN 978-1-57230-967-8).

Shapiro, E. (2004). Academic Skill Problems: Direct assessment and intervention (3rd ed.). New York: The Guilford Press. (ISBN 1-57230-977-6).

The "Screening Tools Chart" released by the National Center on Response to Intervention located at http://www.rti4success.org/chart/screeningTools/screeningtoolschart.html provides critical review of universal screening measures available for public use.

The "Progress Monitoring Tools Chart" released by the National Center on Response to Intervention located at http://www.rti4success.org/chart/progressMonitoring/progressmonitoringtoolschart.htm provides critical review of progress monitoring measures available for public use

Appendix F
Worksheet for Charting Patterns of Strengths and Weaknesses

Assessment Type	Strength	Weakness
Progress monitoring**	Meeting/exceeding aimline	Falling below aimline for at least 4 consecutive weeks on most recent tests with overall poor rate of improvement during evidenced based interventions (see manual)
CBM (Benchmark) screening	At benchmark or above grade level median score using local norms	At at-risk level or at or below the 9th percentile using local norms
Criterion-referenced assessment	Scores of 70% or more correct	Scores less than or equal to 69% correct
State or District Assessments	$\geq 16^{th}$ percentile	$\leq 9^{th}$ percentile
Norm-referenced tests** (Achievement)	$\geq 16^{th}$ percentile	$\leq 9^{th}$ percentile rank or SS ≤ 80
Grades	A/B/C or meets/exceeds expectations	D/E or does not meet expectations
Curriculum assessments	Scores of 70% or more correct	Scores less than or equal to 69% correct
Teacher Report	Based on professional judgment of teacher in comparing student to others in classroom	Based on professional judgment of teacher in comparing student to others in classroom

Observations-Academic	Student demonstrates average understanding of academic content in comparison to other students in classroom	Student demonstrates that s/he does not understand academic content

** Items must be weaknesses in order for student to meet criteria per State of MI rule.

Note- Norm referenced achievement tests with SS of 81-84 = Neutral

Note- Cognitive assessments may be administered as part of a comprehensive evaluation

Appendix F
Worksheet for Charting Patterns of Strengths and Weaknesses

Strengths and Weaknesses Chart
(Adapted from West Shore ESD and Kent ISD)

Academic Achievement Skill Area	Norm-ref. Tests**	CBM Screening or criterion-referenced assessment	Progress Monitoring Data	State/ District Tests	Curriculum Assessment	Grades	Teacher Report
Basic Reading	S W N	S W	S W	S W	S W	S W	S W
Reading Fluency	S W N	S W	S W	S W	S W	S W	S W
Reading Comp	S W N	S W	S W	S W	S W	S W	S W
Math Calculation	S W N	S W	S W	S W	S W	S W	S W
Math Problem Solving	S W N	S W	S W	S W	S W	S W	S W
Written Expression	S W N	S W	S W	S W	S W	S W	S W
Oral Expression	S W N	S W	S W	S W	S W	S W	S W
Listening Comp	S W N	S W	S W	S W	S W	S W	S W

- **Pattern of Strength (at least 3 "S" in a given Academic Achievement Skill Area)**
- **Pattern of Weakness (at least 4 "W" in a given academic Achievement Skill Area) Must include at least 1 individually administered Standardized Academic Achievement Assessment and progress monitoring**
- **At least 1 overall Area must be considered a STRENGTH in order to determine a complete pattern of strengths and weaknesses.**

Appendix G

EXCLUSIONARY FACTORS WORKSHEET
Specific Learning Disability

Consider and mark each exclusionary factor. Each factor must be ruled out as the determinant factor for eligibility of a Specific Learning Disability.	Yes	No
1. Lack of instruction in essential components of reading and math		
Does information obtained during assessment indicate lack of appropriate instruction in reading and math as the determinant factor in this student's inability to progress in the general education curriculum? Report Page ___		
2. Limited English Proficiency		
Answer the following questions		
● Is there a language other than English spoken by this student?		
● Is there a language other than English spoken in this student's home?		
● Are there any specific dialect or cultural influences that would affect the student's ability to speak or understand English?		
● Is limited English proficiency the primary reason for the student's deficit scores? Report page___		
3. Cognitive Impairment		
Document all information gathered in assessment that would exclude cognitive impairment as the determinant factor for this student's academic deficits.		
● Do you have evidence, through interviews, observations and/or testing that the student has a cognitive impairment? Report Page ___		
4. Emotional Impairment		
Document all information gathered in assessment that would exclude cognitive impairment as the determinant factor for this student's academic deficits.		
● Does the student exhibit emotional difficulties that interfere with learning?		
● Does the student have a medical history and/or school history of emotional difficulties?		
Is emotional disturbance the primary reason for the student's deficit scores? Report Page		
5. Vision, Hearing, or Motor Impairments		
Document all information gathered in assessment that would exclude vision, hearing, or motor impairments as the determinant factor for this student's academic deficits.		
● Do vision screening results indicate concern?		
● Do hearing screening results indicate concern?		
● Does the student have a history of significantly delayed motor development?		
Is visual, hearing, or motor disability the primary reason for the student's deficit scores? Report Page		
6. Environmental, Cultural, or Economic Disadvantage		
Document all information gathered in assessment that would exclude environmental, cultural, or economic disadvantage as the determinant factor for this student's academic deficits.		
a. Lack of Opportunity		
● Does the assessment data indicate that lack of opportunity to learn due to environmental, cultural, or		

economic disadvantage is not the cause of the student's academic deficits?		

b. Motivational Factors

● Does the student attempt classroom assignments and/or homework?		
● If no, is the student's performance on grade level during classroom activities?		
● Are group achievement scores consistent with the student's grades?		
● Does information gathered indicate lack of motivation is the determinant factor?		

c. Situational Trauma

● Has the student's academic performance fallen dramatically within the last 6-12 months?		
● Is there knowledge of any situations within the student's family that would contribute to a drop in academic performance?		
● Does information gathered indicate situational trauma is the determinant factor?		

d. Attendance

|		
● Does the student have a high absentee rate either due to illness, disciplinary issues or other factors?		
● Does information gathered indicate that absences are the determinant factor?		

Appendix H

## Student Vignette: Tier 1, Tier 2, and Tier 3

Taylor

Taylor is a first grade student in Mrs. Smith's class. School-wide screening conducted in January showed Taylor reading at the rate of 5 words correct per minute (wcpm) on the DIBELS oral reading fluency (ORF) probe. Based on this assessment, Taylor was "at risk" of not meeting the end-of-year benchmark of 40 wcpm. At a grade level team meeting, it was determined that the probability of Taylor meeting the end-of-year benchmark of 40 wcpm was very low unless both Tier 1 differentiated instruction and Tier 2 supplemental instruction were undertaken simultaneously. A goal was set for Taylor to achieve 40 wcpm for the end of the year benchmark, which was 20 weeks away. This required a Taylor to improve his words read correctly at an average rate of 1.75 words per week. The decision was made that Tier 1 instruction would be differentiated to include small group instruction on sounds/symbol relationship and blending. In addition, Tier 2 instruction began for 30 minutes per day. In Taylor's case, the decision was made for the reading specialist to work with Taylor and two other students using an intensive evidence-based supplemental intervention program which focused on phonemic awareness, alphabetic principle, and word blending and segmenting. During Tier 2 instruction, Taylor's progress on oral reading fluency and nonsense word fluency

was monitored on a weekly basis. During the 10 weeks of both differentiated Tier 1 instruction and supplemental Tier 2 instruction, data indicated that Taylor averaged an increase in oral reading fluency at the rage of .35 wcpm per week with a similar lack of progress in nonsense word fluency. An ORF probe given at the end of 10 weeks was 11 wcpm. Indicating that Taylor was not meeting his weekly words read correctly goal.

Taylor's Tier 2 ORF Progress
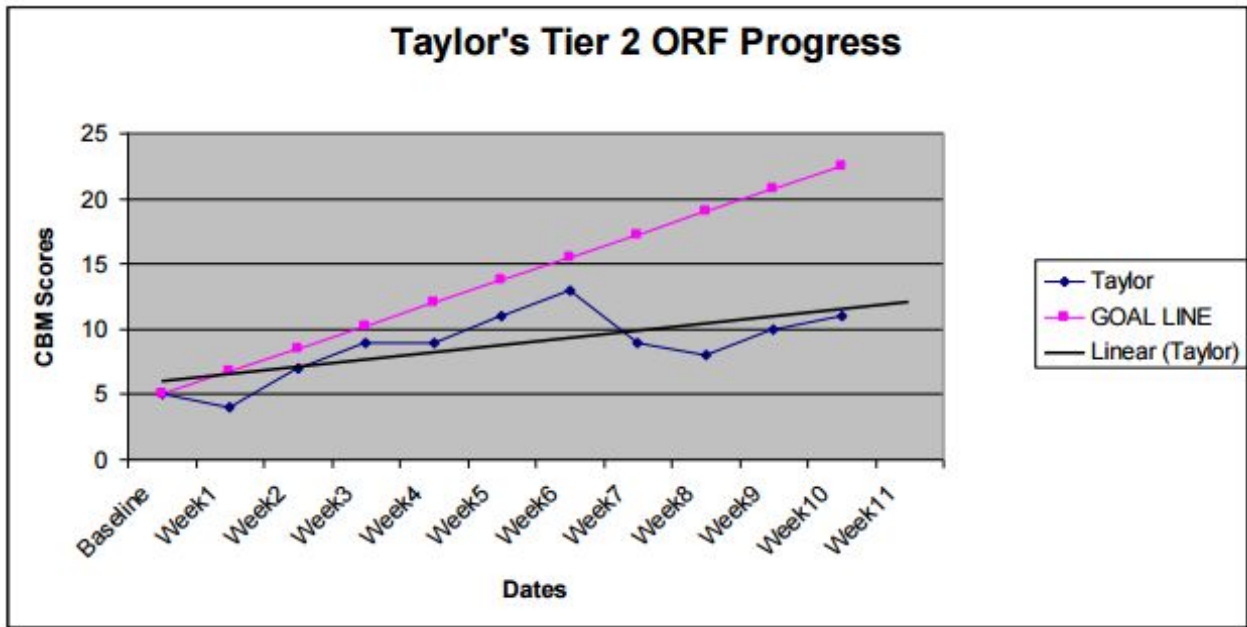
Due to Taylor's continued difficulty, the MTSS team recommended that Tier 3 interventions be added for 30 minutes per day for 6 weeks. Taylor was provided more intensive instruction on phoneme segmentation, decoding strategies, word study and on applying reading strategies with leveled text at all three tiers of intervention. Weekly progress monitoring indicated minimal gains. Following the 6 weeks of combined Tier 1, Tier 2 and Tier 3 interventions, the RtI team 40 discussed whether to change the Tier 3 intervention and continue to monitor for an additional 6-9 weeks. The MTSS team concluded that based upon the data, progress was not at a rate sufficient to meet the goal of 40 wcpm and results suggested that in comparison to his peers, Taylor's learning needs required further diagnostic evaluation to develop more intensive individually designed instruction. The team referred Taylor for a special education evaluation to consider a possible learning disability.
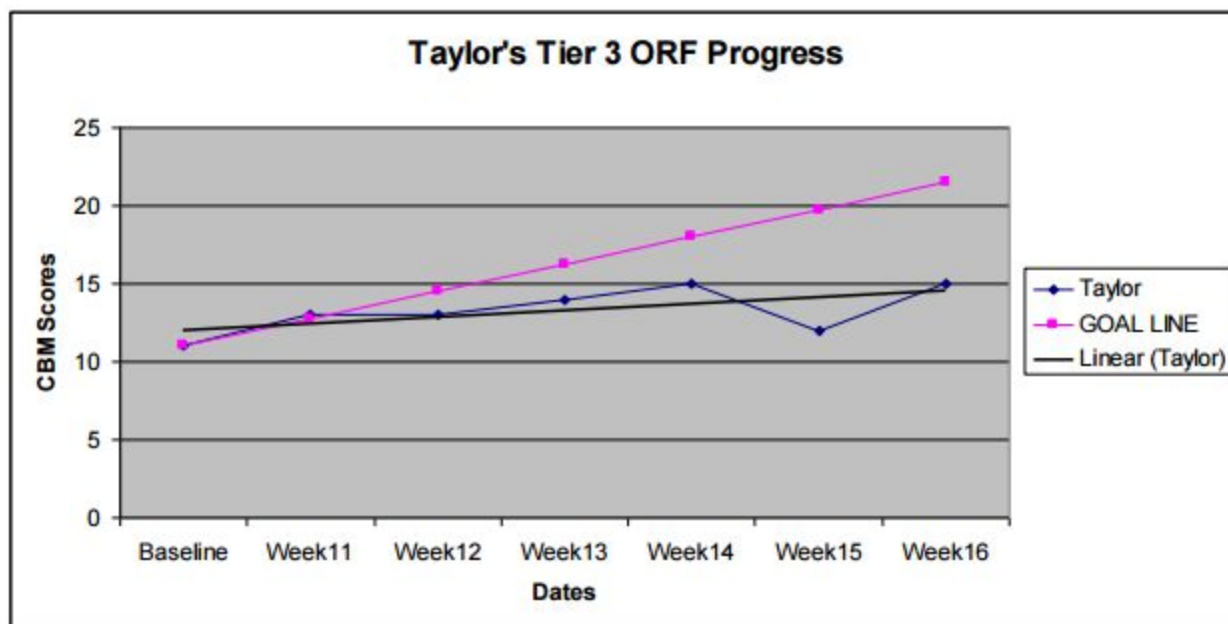
Glossary

Benchmark: short term or long term assessment goal that indicates that a student is on grade level. Benchmark tests are short assessments (2-3 minutes) given at the beginning, middle, and end of the year to establish baseline achievement data and progress.

Curriculum-based measurement: CBM is a system for on-going monitoring of student progress through a curriculum. Using CBM, teachers assess students' academic performance on a regular basis (e.g., weekly or monthly) with very brief, simple tests. Teachers use the results for two purposes: (a) to determine whether children are profiting appropriately from the typical instructional program, and (b) to build more effective programs for the children who do not benefit adequately from typical instruction.

Data-based decision-making: Appropriate data should be collected to inform each decision.

Early Intervening Services: Early intervening services are the preventative components of No Child Left Behind and the Individuals with Disabilities Education Act of 2004. Early intervening services are implemented to benefit students who manifest risk for poor learning outcomes but have not been identified as needing special education or related services.

Fidelity: Exact correspondence with fact or with a given quality, condition, or event; accuracy.

Fidelity of Treatment: Implementing a program, system, or intervention exactly as designed so that it is aligned with research and ensures the largest possible positive outcome.

Fidelity measures: Refers to measures taken to assess how well an intervention was implemented. Typically, fidelity measures monitor adherence to the intervention protocol or plan**.**

Formative data: Formative evaluation is also known as "developmental evaluation". It involves monitoring and adjusting an intervention. Formative assessments require frequent data collection throughout the intervention's implementation that will lead to adjustments in the implementation of the plan.

Individuals with Disabilities Education Act (IDEA): Federal law which regulates programs and services for students with disabilities.

No Child Left Behind (NCLB): Federal legislation which mandates that all students are proficient in math and reading by the year 2014. This law is also known as Elementary Secondary Education Act (ESEA).

Positive Behavior Supports (PBS): Tiered intervention system based on school-wide practices

that encourage and reward positive student and adult behavior.

Problem-solving team: A team working together to solve student problems, employ evidenced-based intervention ideas to promote student success, and use methods to measure the progress of the struggling students at the individual student, classroom, grade, and building level.

Progress monitoring: A scientifically based practice that is used to assess a student's academic performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students or an entire class.

Evidenced-based interventions: Strategies, teaching methodologies, and supports that have been proven through one or more valid research studies to help a student improve academic or behavioral skills.

Multi-Tiered Systems of Support (MTSS): A multi-tier delivery system that uses data-driven problem-solving model to identify specific student need and match appropriate instructional strategies.

Response to Intervention (RtI): How a student or group of students responds to evidenced-based instruction/intervention over time.

Scientifically evidenced-based: Scientifically based research involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs of ESEA (No Child Left Behind).

School improvement framework: A framework used by schools and districts to establish and measure the capacity to meet the goals that guide teaching for learning, resource allocation, staff development, data management and assessment.

Severe discrepancy: Method that can be used to determine whether a significant (severity not defined) difference between ability (intelligence) and predicted achievement exists. Historically, this method has been commonly used to determine whether a learning disability exists.

Specific learning disability: A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Standardized assessment: An assessment test that is developed using standard procedures and is then administered and scored in a consistent manner for all test takers.

Summative Assessment: Summative assessment is a form of evaluation used to describe the effectiveness of an instruction program or intervention, that is, whether the intervention had the desired effect. With summative assessment, student learning is typically assessed at the end of a course of study or annually (at the end of a grade).

Supplemental instruction: Programs and materials designed to support the core program by addressing specific skill areas.

Treatment fidelity: The degree to which an intervention is implemented as intended.

Universal screening: Brief screening assessment of academic skills that are administered to all students to determine whether students are meeting benchmark standards.

Primary resources used in the development of this document

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