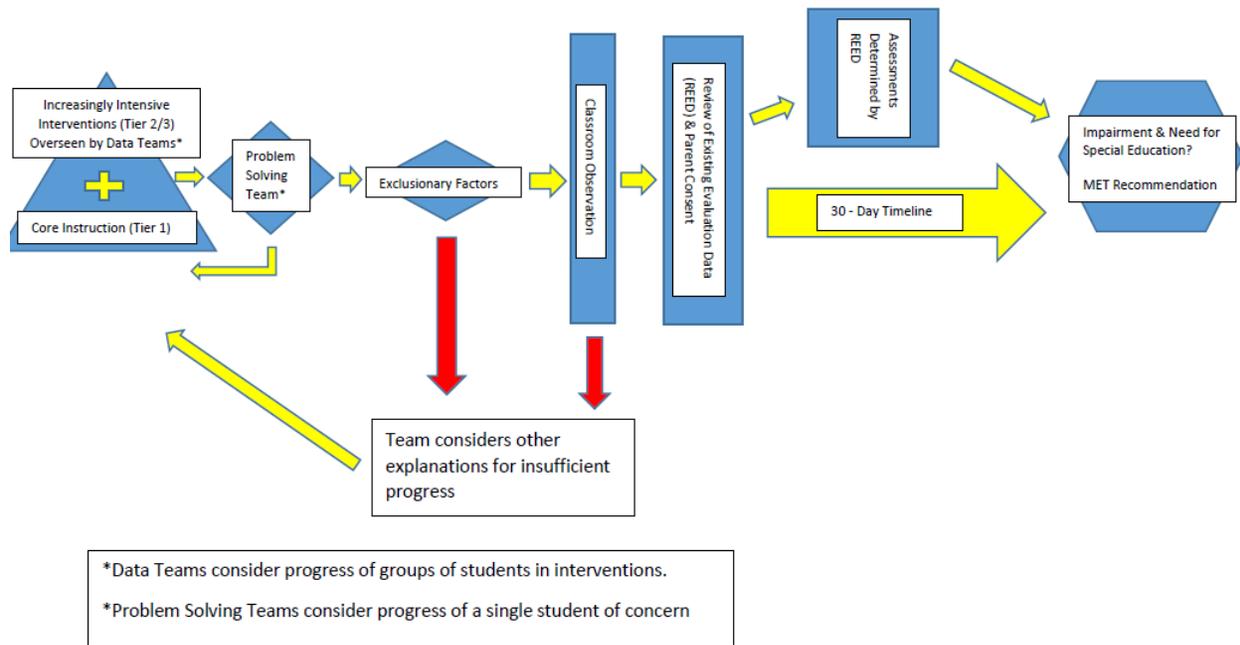


Macomb Intermediate School District

Technical Guidelines for Determining the Eligibility of Students with Specific Learning Disabilities using a Response to Intervention/Multi-Tiered System of Support Approach



# Guidelines for Determining the SLD Eligibility using RTI

## ACKNOWLEDGMENTS

The Macomb ISD Department of Special Education would like to thank all of the professionals who contributed to this work. We are grateful for the consultation from Dr. George Batsche, who shared his wealth of experience, grounded us in practitioner-based research, and graciously assisted in content development. This document incorporates the content and is largely adapted from the *RTI-Based SLD Identification Toolkit* put together by the National Center on Learning Disabilities (NCLD) in partnership with the Council of Administrators of Special Education (CASE), the National Association of State Directors of Special Education (NASDSE) and the National Association of School Psychologists (NASP) in 2014. We are grateful for the work of the leaders in these organizations. Portions of this document have also been adapted from Ingham ISD's *SLD Identification Manual* (2014) and we are thankful for their inspiration. We also would like to extend a special thank you to the numerous individuals representing a wide range of Macomb County schools who assisted in developing this guide.

This guide has been in development for 3 years. Here is an overview of the process:

- |                          |  |
|--------------------------|--|
| September 2015           | George Batsche presented SLD Eligibility Using Rtl. This was a repeat of the same presentation to MAASE in April 2015.   |
| March 18, 2016           | MCAASE meeting discussion about beginning the process of writing guidelines document.  |
| May 9, 2016              | All districts were asked to send representatives to the SLD Eligibility Within an Rtl/MTSS Model Planning Meeting facilitated by George Batsche. 15 districts attended.<br><br>Multiple meetings with local district attendance were held.   |
| September 6, 2016        | A draft document of "A Technical Guide for Determining the Eligibility of Students with Specific Learning Disabilities" was presented and distributed at a MCAASE meeting. Districts were invited to provide input on both the process depicted by the flowchart and the document. Districts were invited to send representatives to working meetings. |
| November 2016-March 2017 | Onsite district interviews were held with a cross section of districts to learn more about the RTI processes that were in place and how SLD determinations were working across the county.   |
| 2017-2018                | Local Districts were invited to send representatives to meetings to revise the SLD MET and REED forms to be consistent with the document in progress.<br><br>Meetings were held throughout the year to finalize the document with leadership from local district representatives   |
| Summer 2018              | The document was reviewed by national experts Joel Fixson and Matthew Burns who provided positive feedback.  |
| September 2018           | Released document and hosted Wayne Callender to present on this topic.   |

# Guidelines for Determining the SLD Eligibility using RTI

## Foreword

***"Educating all of our children must be one of our most urgent priorities"***

***~ Nelson Mandela***

Since early 2000, schools in Macomb County have worked diligently towards implementation of a Multi-Tiered System of Support (MTSS) or Response to Intervention (RTI) model to improve achievement for all students. Some of the school districts in Macomb County have developed systems to use their MTSS/RTI data to guide their decisions for Specific Learning Disability (SLD) eligibility, referred to as the Response to Intervention Approach to SLD determination. It is the intent that this manual and corresponding professional development will provide guidance to all schools in Macomb County to reconsider and eliminate the use of the Pattern of Strengths and Weaknesses (PSW) approach and instead to apply the RTI Approach to SLD Determination. *For the remainder of this manual RTI will be used to describe the approach to assessing students with suspected learning disabilities using data from a MTSS or RTI system.*

**Due to the Michigan 3rd grade reading legislation there will be increased emphasis on early identification, intervention and progress monitoring for students with reading deficiencies. This process will provide assessment teams with useful data when using a RTI approach to assessing students suspected of reading disabilities.**

In 2010, Macomb Intermediate School District (MISD) Department of Special Education, in collaboration with school psychologists and other special educators across the county, created the document "Process for the Identification of Specific Learning Disabilities: Technical Assistance Paper." The document was revised in July 2011 and was intended to be a living document to be revised as necessary. The 2010 guidelines shifted eligibility from an IQ-achievement discrepancy model to a Response to Intervention (RTI) and/or a Pattern of Strengths and Weaknesses (PSW) model to determine eligibility of a specific learning disability (SLD).

In 2015, the United States Department of Education Office of Special Education (OSEP) issued a Dear Colleague letter providing guidance and references to the IDEA implementation regulation regarding specific learning disabilities. Specifically this letter identified RTI to be used to identify students suspected of having a specific learning disability, including those who may have dyslexia, dyscalculia and/or dysgraphia.

At the state level, the use of the RTI model for the identification of a SLD was advocated by Dr. George Batsche, Director of Institute of School Reform, University of South Florida, at the Michigan Association of Administrators of Special Educators (MAASE) conference and the MISD.

With the guidance from the OSEP along with the advances of research and practices in the field, we have learned the following:

1. The current PSW model is not supported by experts in the field (Miciak, Fletcher, Stuebing, Vaughn & Tolar, 2014). Psychometric issues with discrepancy scores of any kind are well known, especially the use of rigid cut points, and profile interpretations. In fact, the state of Florida, which is considered a leader in Multi-tiered System of Supports (MTSS), prohibits its use.

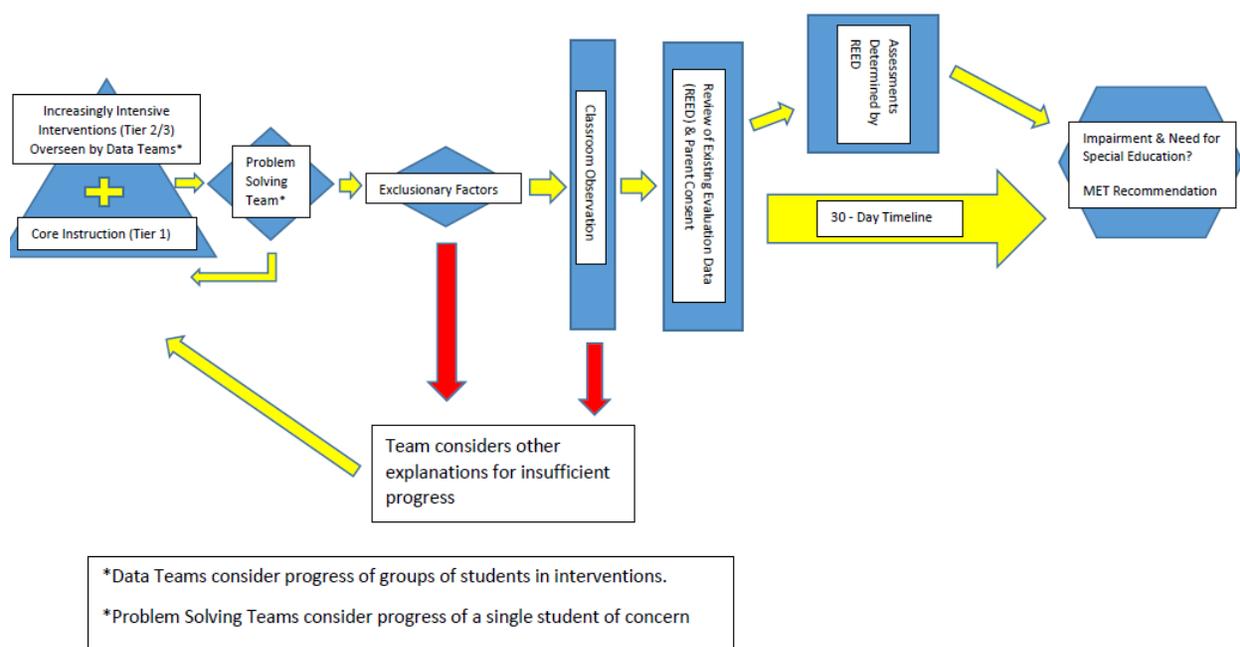
## **Guidelines for Determining the SLD Eligibility using RTI**

2. Using PSW, students have been found to be ineligible for consideration as a student with a learning disability because they do not have strengths. This is counterintuitive in determining eligibility and need for services.

In addition to this manual, MISD continues to offer professional development and ongoing technical assistance for the implementation of RTI for SLD identification. The MISD, in partnership with our local districts will continue to work with both general and special education staff to improve MTSS systems and SLD identification. The RTI approach better informs the MET/IEP team to provide more effective intervention and achieve better outcomes for students. Therefore, Macomb County Schools are well positioned to implement RTI based SLD determination.

# Guidelines for Determining the SLD Eligibility using RTI

## Table of Contents



**Introduction..... Page 6**

**Explanation of the MISD Process for the Determination of SLD..... Page 10**

**Inadequate Achievement in Tier 1..... Page 13**

**Insufficient Progress in Tier 2 / 3 Interventions..... Page 15**

**Exclusionary Factors..... Page 26**

**Classroom Observation..... Page 31**

**Review of Existing Evaluation Data (REED)..... Page 34**

**Impairment & Need for Special Education? MET Recommendation..... Page 38**

**References..... Page 40**

# Guidelines for Determining the SLD Eligibility using RTI

## Introduction

**“Vision without action is merely a dream. Action without vision is just the passing of time. Vision with action can change, and has changed the world.”**

**-Joel Barker**

The goal of this document is to provide technical assistance and guidelines to the constituent districts in Macomb County for determining the existence of a specific learning disability using an approach that uses student data and assessment information from a response to intervention (RtI) model. All of the districts in Macomb County are in the process of refining their implementation of the RTI framework. This relies on the multi-tiered system of supports with the following essential components implemented with fidelity (NCLD, 2014):

- High-quality, scientific, evidence-based classroom instruction. All students receive high-quality, evidence-based instruction in the general education classroom.
- Ongoing student assessment. Universal screening and progress monitoring provide information about a student’s level of achievement and learning rate, both individually and in comparison with the peer group. Throughout the RTI process, student progress is monitored frequently to examine student achievement and gauge the effectiveness of the curriculum.
- Data-driven decision making. Student data are used as part of a collaborative, problem-solving process when determining which students need closer monitoring or intervention. Decisions made regarding students’ instructional needs are based on multiple data points taken in context over time.
- Tiered instruction/intervention. A multi-tier approach is used to efficiently differentiate academic and behavioral instruction/intervention for all students. The model incorporates increasing intensities of instruction (time and focus) offering specific, evidence-based interventions matched to student needs.
- Family–school partnership. MTSS provides the framework for an effective family–school partnership. RTI is an opportunity to bring about meaningful change in family–school relationships, allowing for the creation of engaged partnerships between educators and families through collaborative, structured problem-solving efforts based on the sharing of information, goals, and responsibility (Reschly, 2009).

While the U.S. Department of Education does not endorse any one particular RTI service delivery framework, the Office of Special Education Programs has provided guidance regarding the essential components that must be present when identification occurs as part of the RTI process including: high-quality, evidence-based instruction in the general education setting, universal screening of all students for academic and behavioral problems, two or more tiers of interventions of progressing intensity, and progress monitoring with regular review of data on student performance. When evaluating an intervention process to determine if it meets the requirements in 34 C.F.R. §300.307(a)(2), the evaluator should compare the components of the questioned intervention to the essential RTI components mentioned above. It is important to remember that the procedures for identifying children with specific learning disabilities (§§300.307–311) are in addition to the general evaluation and eligibility requirements of the IDEA federal regulations found at §§300.301–300.306.2

## Guidelines for Determining the SLD Eligibility using RTI

<sup>1</sup> OSEP Letter to Dale (November 14, 2012)

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-008431r-me-dale-rti-11-14-12.doc>

<sup>2</sup> OSEP Letter to Zirkel (September 10, 2013). Retrieved from

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/13-003039-pa-zirkel-rti9-11-13.doc>

### Definition of Specific Learning Disability

A specific learning disability (SLD) means 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. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, cognitive impairment, emotional impairment, autism spectrum disorder, or environmental, cultural, or economic disadvantage.

### Eight Achievement Areas of Specific Learning Disability

A student needs to meet initial criteria in at least one of eight areas to establish the eligibility for SLD. These areas are listed but not specifically defined in state or federal law. The following definitions will be used in this county's process. <sup>1,2</sup>

<sup>1</sup> National Center on Learning Disabilities. (2014). *RTI-Based SLD Identification Toolkit*. Retrieved from the RTI Action Network website: <http://www.rtinetwork.org/getstarted/sld-identification-toolkit>

<sup>2</sup> Wisconsin Department of Public Instruction. (2013). *Wisconsin's specific learning disabilities (SLD) rule: A technical guide for determining the eligibility of students with specific learning disabilities*. Retrieved from <http://sped.dpi.wi.gov/files/sped/pdf/sld-guide.pdf>

1. **Oral expression** is the ability to convey wants, needs, thoughts, and ideas in a meaningful way using appropriate syntactic, pragmatic, semantic, and phonological language structures. It relates to a student's ability to express ideas, explain thinking, retell stories, categorize, compare and contrast concepts or ideas, make references, and problem solve verbally.
2. **Listening comprehension** refers to the understanding of the implications and explicit meanings of words and sentences of spoken language. This includes following directions, comprehending questions, and listening and comprehending in order to learn (auditory attention, auditory memory, and auditory perception). Listening comprehension also includes the ability to make connections to previous learning.
3. **Written expression** is the communication of ideas, thoughts, and feelings. Required skills include using oral language, thought, grammar, text fluency, sentence construction, and planning to produce a written product. While spelling difficulties are a part of written language, spelling difficulties alone cannot be considered to represent an SLD in written expression.
4. **Basic reading skill** includes phonemic awareness, sight word recognition, phonics, and word analysis. Essential skills include identification of individual sounds and the ability to manipulate

## Guidelines for Determining the SLD Eligibility using RTI

them, identification of printed letters and sounds associated with letters, and decoding of written language.

5. **Reading fluency skills** refers to the ability to read words accurately using age appropriate chunking strategies and a repertoire of sight words, and with appropriate rate, phrasing, and expression (prosody). Reading fluency facilitates reading comprehension.
6. **Reading comprehension** refers to the ability to understand and make meaning of written text and includes a multifaceted set of skills. Reading comprehension is influenced by oral language development, including new vocabulary acquisition, listening comprehension, working memory, application of comprehension-monitoring strategies, and understanding of text structure, including titles, paragraphing, illustrations, and other details. Reading comprehension is significantly affected by basic reading skills.
7. **Mathematics calculation** is the knowledge and retrieval of mathematical facts and the application of procedural knowledge in computation.
8. **Mathematics problem solving** is the ability to use decision-making skills to apply mathematical concepts and understandings to real-world situations. It is the functional combination of computation knowledge and application knowledge, and it involves the use of mathematical computation skills and fluency, language, reasoning, reading, and visual-spatial skills in solving problems. Essentially, it is applying mathematical knowledge at the conceptual level.

The above types of learning disabilities are examples of disabilities that may fall within the category of SLD if all of the eligibility criteria are met. Dyslexia is another term for reading disability, dysgraphia is another term for written language disability, and dyscalculia is another term for math disability. Eligibility for special education has always been twofold in that:

1. The existence of a disability must be evident.
2. The student's need for resources available through special education must be evident.

Not all students who are determined to have an impairment meet SLD eligibility criteria, or require the resources provided through special education services in order to progress adequately and meet grade level expectations. (Adapted from Florida Department of Education)

In communications with parents and students, schools should explain the relationship between a particular type of disability and the school's focus on determining and providing for the specific academic instruction and intervention needs. It should be made clear that the category referred to as "SLD" encompasses many types of disabilities, including but not limited to dyslexia, dysgraphia, and dyscalculia. Schools should also consider independent diagnoses of dyslexia, dysgraphia, and dyscalculia. These are important to the school in considering all factors relevant to the student's educational needs and validate that such diagnoses are helpful for access to research, advocacy, and support networks. Regardless of the specific type of disability, the student should receive instructional supports and interventions specific to his or her needs. (Adapted from Florida Department of Education)

## **Guidelines for Determining the SLD Eligibility using RTI**

### **General Federal and State Regulations for the Determination of a Specific Learning Disability**

According to federal and state regulations (R340.1713(3)) for SLD eligibility, the Multidisciplinary Evaluation Team (MET) shall include ALL of the following:

The student's parents and a team of qualified professionals which include:

- the student's regular teacher,
- or if the student does not have a regular (general education) teacher, a regular (general education) classroom teacher qualified to teach a student of his or her age,
- or for a student of less than school age, an individual qualified by the State Educational Agency (SEA) to teach a student of his or her age.

At least one person qualified to conduct individual diagnostic examinations of children, such as:

- a school psychologist,
- a speech-language pathologist or
- a teacher consultant.

The MET must consider assurance statements before making a recommendation regarding a student's eligibility by determining whether the student has demonstrated inadequate achievement and has made insufficient progress while engaged in relevant interventions implemented with fidelity.

- Underachievement for the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math.
- The student was provided appropriate instruction in regular education settings, delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, was provided to the student's parents.

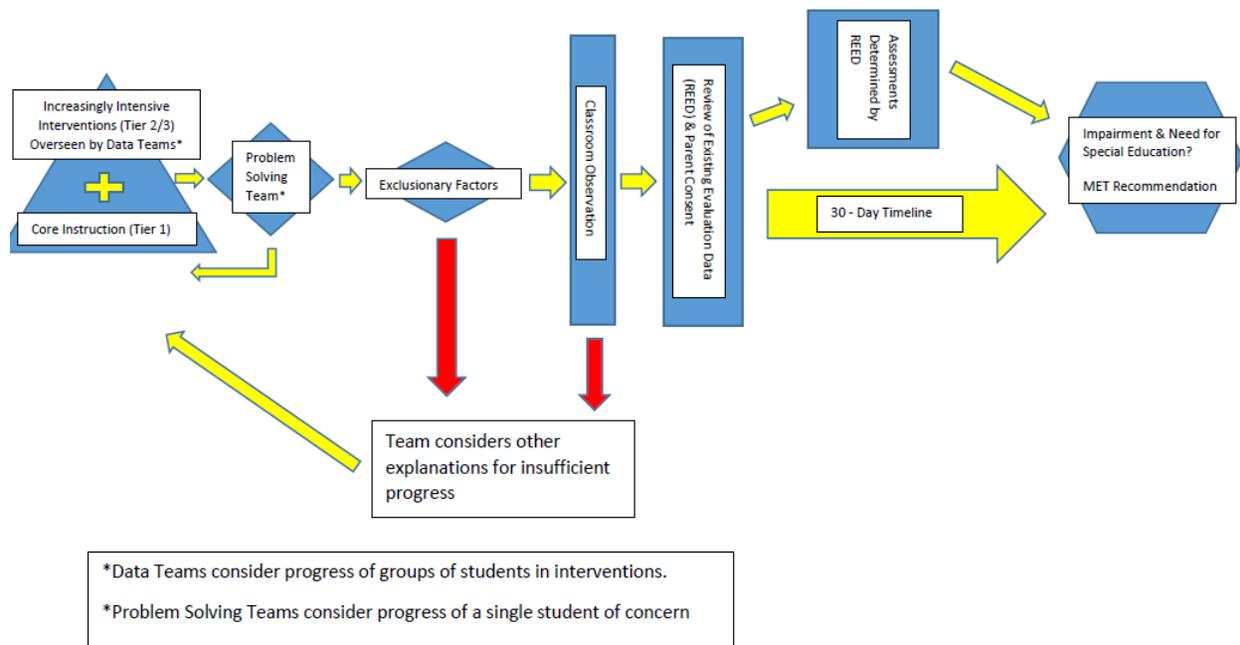
Further, while providing evidence that these determinations were not impacted by any the following exclusionary factors:

- The determinant factor for eligibility is not the lack of appropriate instruction in reading, including the essential components of reading instruction.
- The determinant factor for eligibility is not the lack of appropriate instruction in math.
- The determinant factor for eligibility is not due to limited English proficiency.

The following link may be used to access comprehensive information regarding the SLD determination (Part 1, pp 18-22):

[https://www.michigan.gov/documents/mde/MARSE\\_Supplemented\\_with\\_IDEA\\_Regs\\_379598\\_7.pdf](https://www.michigan.gov/documents/mde/MARSE_Supplemented_with_IDEA_Regs_379598_7.pdf)

## Guidelines for Determining the SLD Eligibility using RTI



### Explanation of the MISD Process for the Determination of a Specific Learning Disability

The Elementary and Secondary Education Act (ESEA) of 2001 changed the landscape of education in the United States. The ESEA of 2001 established a heightened emphasis on the immediate and continuous improvement of our educational systems and focused improvement efforts on state and local accountability, student outcomes, parent involvement, data-driven planning and systems, and the use of scientific, research-based methods and interventions. The reauthorization of the IDEA in 2004 introduced a new and deliberate effort to connect federal special education legislation with federal general education legislation, the ESEA. This deliberate effort has resulted in an IDEA that embraces the use of data-driven decision-making and new educational methods based on scientific research. The use of data-driven decision-making processes includes the IDEA requirements for determining a student's eligibility for special education programs and services.

In Michigan, prior to the 2004 reauthorization of the IDEA, the identification of a student suspected to have a Specific Learning Disability was based on a single, specific method as defined in the Michigan Administrative Rules for Special Education (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. As a result, the MARSE were revised in 2006. The MARSE for determining SLD eligibility provides schools with choices. Those choices include the use of methods for determining SLD eligibility based on the use of scientific, research-based interventions (RTI) and patterns of strengths and weaknesses (PSW). As mentioned above, the current PSW model is not supported by experts in the field for numerous reasons and the MISD is now strongly encouraging the use of a process that uses information and data from an RTI approach.

The Macomb County model for the identification of Specific Learning Disabilities emphasizes that a **comprehensive evaluation is a process of data collection that includes multiple methods of assessing student performance with input from parents, teachers, school psychologists, teacher consultants, speech-language pathologists and other pertinent staff.** The purpose of the evaluation is to gather comprehensive information possible to make valid and appropriate recommendations as to the student's eligibility for special education and, more importantly, educationally relevant

## Guidelines for Determining the SLD Eligibility using RTI

recommendations for instructional strategies, interventions, supports and services to close the student's achievement gap.

A comprehensive evaluation for SLD does not rely on a single measure or assessment. The comprehensive evaluation is a problem solving process that involves using data from a variety of assessment tools and strategies, assessing the student in all areas related to the suspected disability, and identifying the student's individual educational needs. In some cases psycho-educational testing (i.e. WISC/Woodcock-Johnson) may be a helpful part of the comprehensive evaluation process; however, it is important to note that psycho-educational testing alone does not constitute a comprehensive evaluation. It is suggested that to determine what type of additional information is needed to inform the problem-solving effort and what type of assessments would provide that information is done on a student-by-student basis using the Review of Existing Evaluation Data (REED) process. Once a student has been determined to be making inadequate achievement, insufficient progress in interventions and passes the exclusionary factors, a recommendation could be considered to determine if the student has an SLD.

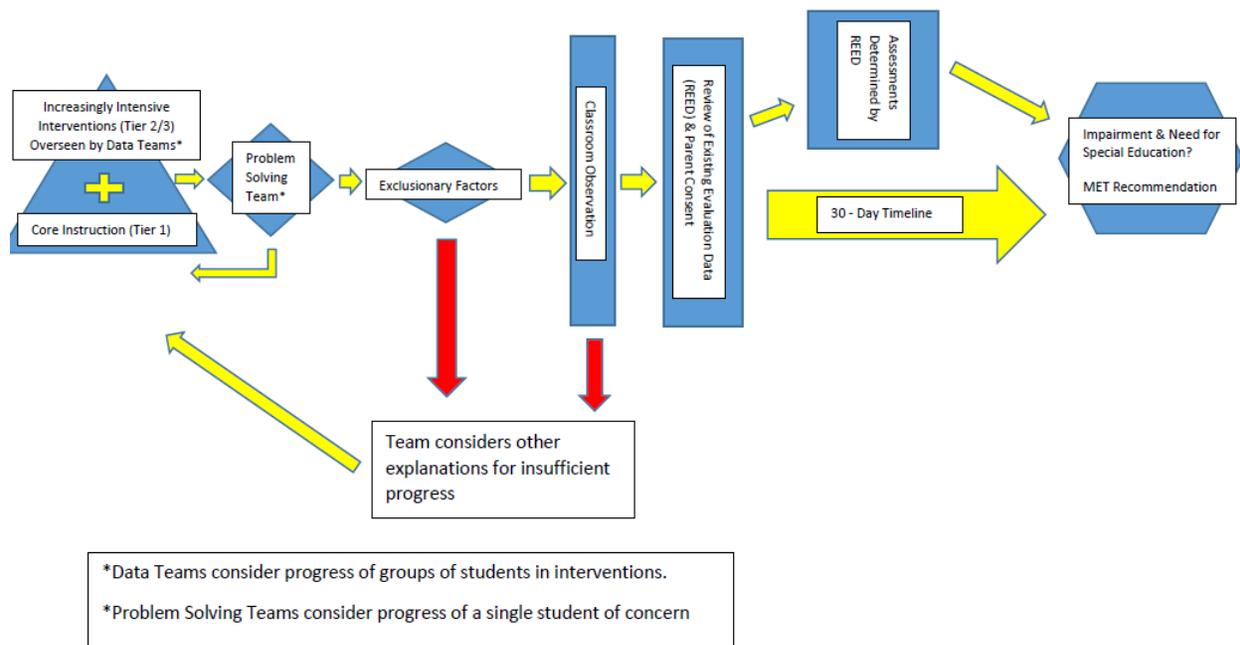
The flow chart above and throughout this document displays the steps to help Problem Solving Teams (PST) / MET's make recommendations to teachers, parents, data teams or the Individual Education Planning Team (IEPT). This model incorporates the traditional Instruction, Curriculum, Environment, Learner (ICEL) framework and the Record Review, Interviews, Observation, and Testing (RIOT) process. The collection of this information and data may occur during the intervention process and/or after the special education evaluation period begins. Below is a brief step-by-step explanation of the flow chart. More in-depth information will be provided in each subsequent section of this document.

1. On a monthly basis data teams review the progress monitoring data for all students in tiered interventions and make adjustments to those interventions based on that data. Ideally, school data teams record these determinations and supporting data as they occur for any student. Parents/Guardians of the student should be kept informed of this information at all times.
2. When a student is not closing their achievement gap adequately and the team is unsure as to what to attempt next, the data team recommends that the student be considered by a Problem Solving Team (PST) who discuss one student at a time. Districts may have different names for this process such as Child Study or Student Staffing/Study. The PST will review progress, prioritize concerns, generate new hypotheses and possible interventions / plans, create an action plan and decide when a follow up meeting will take place.
3. If a disability is suspected, the team considers exclusionary factors that may be contributing the student's inadequate achievement or insufficient progress. If exclusionary factors are determined to be a main cause of inadequate achievement and or insufficient progress, the PST should work together with parents/guardians to develop a plan to support the student.
4. If the PST can assure that none of the exclusionary factors are a main cause for the student's inadequate achievement or insufficient progress, an appropriate member of the PST will conduct a classroom observation in the student's typical learning environment to determine if there are any potential environmental factors or other possible reasons for the student's inadequate achievement or insufficient progress such as attentional or emotional issues. If the observation concludes there are other factors blocking achievement and progress, the PST should develop a plan to support the student.

## Guidelines for Determining the SLD Eligibility using RTI

5. Once the PST can assure no exclusionary factors or findings from the observation are blocking achievement and progress, the PST essentially turns into a MET and will meet or communicate with all appropriate parties including parents/guardians to convene a REED. The outcome of the REED shall determine one of three options:
  - a. There is sufficient information to recommend that the student demonstrates deficits in an academic area but does not need special education because the current data suggest that if the current interventions remain, the student will close the achievement gap in a reasonable amount of time based on the rate of improvement (ROI) data. If this is determined the PST will help monitor the situation.
  - b. There is sufficient information to recommend that the student has an SLD and needs special education because the current ROI data suggest that with current supports and interventions, the student will not close the achievement gap in a reasonable amount of time.
  - c. More information and/or assessments are needed to make a decision to move forward. If this is determined, parental consent will be obtained and the appropriate educational professionals will conduct agreed upon evaluations within the legally mandated timelines and make a recommendation from choices A or B above.

## Guidelines for Determining the SLD Eligibility using RTI



### ***Inadequate Achievement in Tier 1 (General education core curriculum/instruction)***

In this section the documentation for inadequate achievement in Tier 1 will be outlined.

Inadequate achievement is defined as not meeting age or state-approved grade-level standards after a student has received appropriate instruction. The inadequate achievement cannot be due to English language proficiency.

A student demonstrates inadequate achievement when the student:

1. Does not achieve adequately for his or her age/grade.
2. Does not meet age or state-approved grade-level standards in one or more of the eight potential areas of SLD when provided with learning experiences and instruction appropriate for the student's age/grade.

***Most school districts have identified cut scores for acceptable achievement on the district's universal screenings. In addition to the district cut score, the team may also want to consider criteria provided by the Michigan Department of Education in 2010 for determining the existence of an SLD suggesting that scores should be below the 10th percentile when compared to same-grade peers. This is consistent with recommendations from national experts in the field.***

## Guidelines for Determining the SLD Eligibility using RTI

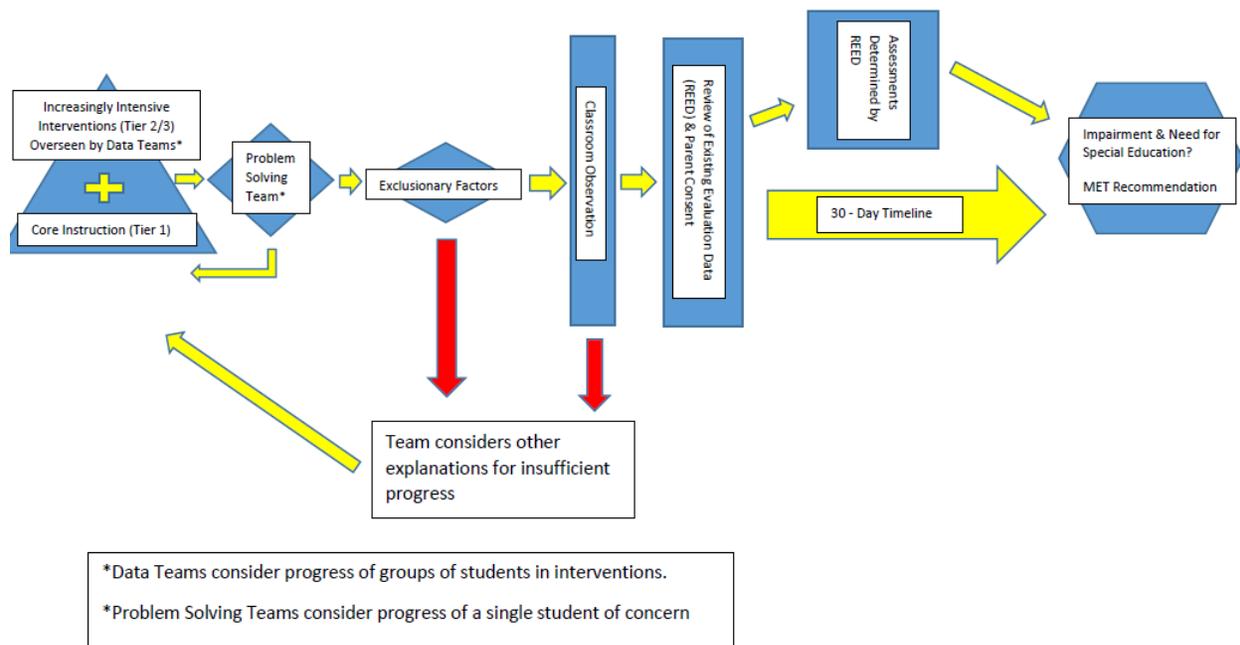
Data sources should include multiple sources such as those listed in the table below.

<b>Data Supporting Inadequate Achievement in Tier 1</b>
<b>State and National assessment data</b> <ul style="list-style-type: none"><li>• Scores below state proficiency levels (i.e., current state-wide assessment, SAT/ACT)</li><li>• Student Growth Percentiles (SGPs) below the average of their comparison group.</li></ul>
<b>School/District wide assessment and Universal Screening Data</b> <ul style="list-style-type: none"><li>• Scores below proficiency levels ( i.e., NWEA MAP, STAR 360, IOWA)</li><li>• Student growth below the average of their comparison group</li><li>• Curriculum Based Measures (CBM) results below benchmark (i.e., aimswebPlus, DIBELS Next, EasyCBM, FastBridge)</li></ul>
<b>Grade level data</b> <ul style="list-style-type: none"><li>• Assessments (i.e., Common assessments, curriculum assessments, classroom based, formative assessments) linked to age or state-approved grade-level standards (i.e., Common Core State Standards)</li><li>• Grades below proficient. It is important that grades are interpreted with caution to verify that adequate academic skill is the primary weight of their achieved grade. It is also possible that the student's grades do not show the lack of achievement and therefore are not a requirement</li><li>• Student growth below the average of their comparison group</li><li>• Student work products</li></ul>
<b>Teacher observations/input</b> <ul style="list-style-type: none"><li>• Teacher observations related to concerns over time and as compared to peers</li></ul>
<b>Accommodations</b> <ul style="list-style-type: none"><li>• Accommodations consistently provided in the general education setting and their effectiveness</li></ul>

### **Considerations for All Data (Normative Group Comparisons: National and District/School Peers)**

When analyzing universal screening, progress monitoring, and curricular assessment data, student performance should be compared to both national norms and to local peer performance (in district/school). In some cases, there may not be much difference in local, district, or national norms. However, if a school's grade-level data indicates that their local norms for a measure or assessment may be different from national norm data, it is important to carefully consider the question of whether the student has received adequate instruction. For example, if a student's score is at the 8th percentile when compared to national norms but at the 41st percentile when compared to other students in his or her grade/class, that **student should be compared against other students who have received similar instruction to determine whether there is inadequate achievement.**

## Guidelines for Determining the SLD Eligibility using RTI



### Insufficient Progress in Tier 2 / 3 Interventions

Once inadequate achievement is identified in Tier 1, school data teams will go through a number of steps to identify appropriate interventions, implement the interventions with fidelity, track lesson pacing and attendance, monitor performance, and adjust interventions according to the data. Once again, if these steps are documented for any student receiving tiered intervention, when a specific student is referred for an SLD evaluation, the documentation needed to show insufficient progress in Tier 3 will already be collected. In this section these steps and corresponding documentation will be outlined.

#### Intervention Selection

When students have been determined to show inadequate achievement in Tier 1, the team must employ further analysis, and sometimes assessments to determine the optimal target(s) for intervention(s). For example, a student with low performance on the NWEA MAP should be assessed with other tools (such as the DIBELS or intervention placement tests), to determine which area of reading intervention should be targeted. Once the area(s) are known, intervention should be carefully selected to be evidence-based and have been validated on similar populations. Many districts have an array of interventions in place with materials and training. The team must determine which intervention is appropriate for each student, typically beginning with the district provided options and then others if needed.

The team determines the level of intensity the students appear to need based on the data. Tier 2 is also referred to as 'targeted' or 'strategic' intervention. Tier 2 interventions often target one weak skill when other skills are grade/age appropriate. Tier 2 interventions are generally used when a student is about 1 year behind and are supplemental or in addition to the core differentiated instruction provided at Tier 1. Intensive interventions are also referred to as Tier 3. Tier 3 interventions are scheduled daily with a minimum of 4 times a week and are offered in a smaller group. There are times that a student would be

## Guidelines for Determining the SLD Eligibility using RTI

placed directly into a Tier 3 intervention (in addition to core instruction and other supports) without having attempted a Tier 2 intervention; thus Tier 2 intervention is optional. For example when a student is first identified and is reading 2-3 years below grade level, he is placed directly into a Tier 3 intervention. Prior to referring a student for SLD using the RTI model, Tier 3 interventions must be attempted.

### Intervention Fidelity

The team must assure fidelity of implementation. Fidelity includes both the amount of the service delivered as well as integrity, the degree to which the service was delivered as intended. In Tier 2 and 3 the team must ensure that:

- All intervention providers are adequately trained and have demonstrated proficiency providing the interventions
- Ongoing coaching is provided
- All prescribed materials and intervention components are used consistently
- Intervention is delivered in the same manner as consistent with author recommendations and how the intervention was validated such as:
  - Scripts are followed (when applicable)
  - Group size
  - Length of session
  - Frequency of sessions
  - Pacing
  - Mastery testing completed

Once the intervention has begun, the school team should ensure continued fidelity by using a fidelity checklist or walk-through form completed by a coach or principal. Examples of fidelity checklists can be found on the RtI Action Network: <http://www.rtinetwork.org/getstarted/evaluate/treatment-integrity-protocols> . Assurance of fidelity checks should be included in the evaluation report. This could be copies of completed checklists.

### Student Attendance and Lesson Pacing

Interventionists should have a clear understanding of appropriate pacing. Lesson pacing data should be kept and considered at data meetings. See sample pacing data in Figure 1. Student attendance should be kept in a manner that can be considered with pacing and student data. See example in Figure 2. When students have attendance issues, the team must problem solve to ensure the student receives adequate intervention and stays on pace with the group. For example if a student is chronically tardy and their intervention is the first group of the day, the student could be placed into a group that meets later in the day.

# Guidelines for Determining the SLD Eligibility using RTI

Figure 1. Pacing Data (Source: Wayne Callender, 2017)

Language Arts 5 Week Intervention Summary

Teacher	Intervention	Current Lesson #	Expected Lesson #	Instructional Days	# of Program Assessments Administered	% Passed Week 1	% Passed Week 2	% Passed Week 3	% Passed Week 4	% Passed Week 5	Average % Passed	Average % No Pass	Average % Not Tested
Abernathy	Decoding C	129	126	19	4	69%		80%	85%	79%	78%	19%	3%
Black	Comprehension	75	75	20	4	94%	92%		93%	90%	92%	7%	1%
Collins	Decoding C	43	44	19	4	81%	83%	96%	97%		89%	8%	3%
Collins	Decoding C	43	44	20	5	90%	91%	85%	88%	80%	87%	11%	3%
Gray	B2/Dec C 2nd	81	88	18	3	93%		47%		92%	77%	19%	4%
Gray	B2/Dec C 4th	54	71	19	3	89%	85%		87%		87%	11%	2%
Gray	Read to Achieve	16.5	10.7	19	5	41%	42%	80%	89%	40%	58%	38%	4%
Hardy	Read to Achieve 2nd	17.9	11.9	20	3		51%	82%	87%	55%	69%	27%	5%
Hardy	Read to Achieve 3rd	19.1	11.9	19	3		59%	77%		50%	62%	33%	5%
Jefferies	B2 8th	37	61	18	5	95%	96%	90%	91%	90%	92%	5%	2%
Jefferies	B2 7th	81	75	20	4	99%		92%	95%	94%	95%	4%	1%
Jefferies	B2 6th	69	68	20	4	91%	89%		93%	99%	93%	5%	3%
Lightman	B2	57	61	20	5	95%	97%	94%	96%	89%	94%	3%	2%
Lightman	Read to Achieve	18.1	17.9	18	4	0%	72%	69%	77%	85%	63%	21%	3%
Morrison	Read to Achieve 7th	16.7	8.4	20	5	76%	77%	80%	87%	79%	80%	15%	5%
Morrison	Read to Achieve 8th	17.4	8.2	20	5	85%	82%	87%	92%	90%	87%	9%	3%
Morrison	B2	61	61	20	4	70%	69%	75%	79%		73%	21%	6%
Shepherd	Read to Achieve 7th	16.9	11.4	18	5	75%	77%	72%	77%	81%	76%	17%	7%
Shepherd	Read to Achieve 4th	14.6	8.5	18	4	84%	87%	90%		93%	89%	8%	3%

Figure 2 Student Attendance

Student Name	Passed Mastery Tests?			On Airline?			Behavior +/-	Days Absent	Comments:
<i>Enter passing grade ⇨</i>	18	18	18	<i>Enter Y or N</i>					
<i>Enter total problems ⇨</i>	20	20	20	↓	↓	↓			
Halima	18	17	15	n	n	N		8	Absent a lot
Martin	20	20	20	y	y	Y			
Jesus	18	19	20	y	y	N		2	
Chandra	17	18	18	y	y	Y		1	Works hard
Jentry	20	20	20	y	y	Y			
Jared	20	20	19	y	y	Y			
Dallas	19	19	20	y	y	Y			

## Progress Monitoring

Prior to beginning the intervention, the team must plan progress monitoring to inform decision making to maximize the effectiveness of intervention. This involves selecting the appropriate assessment tool, deciding on the frequency of assessment, who will assess the student, what data will be kept and where the data will be recorded.

Selection. Progress monitoring requires the use of scientifically based tools to measure progress. Measures used must provide reliable and valid data about the area(s) of concern that are the target of the intervention. Measures should be:

- Reliable and valid
- Quick and easy to use

## Guidelines for Determining the SLD Eligibility using RTI

- Sensitive to small increments of student improvement
- Available with multiple alternate forms
- Evidence based

Curriculum-based measures (CBM) are an example of a General Outcome Measure (GOM). For further information see <http://www.rtinetwork.org/essential/assessment/ongoingassessment>. CBMs provide brief, direct measures of specific academic skills, with multiple equal or nearly equal forms. They are sensitive to small changes in student performance and provide reliable and valid measures of student performance during intervention. There are CBMs for reading decoding, phonemic awareness, reading fluency, oral language, written language, and mathematics. Examples of CBMs include: EasyCBM, DIBELS Next, aimswebPlus, and the CUBED Narrative Language and Decoding Measures.

Please refer to <http://www.intensiveintervention.org/chart/progress-monitoring> for more information and examples of progress-monitoring measures.

Frequency of progress monitoring. Progress monitoring should occur as often as possible for more reliable and quicker decision making, with at least twice monthly in Tier 2 intervention and at least weekly in Tier 3. When a significantly large number of students receive Tier 3 intervention, and weekly progress monitoring is not practical, the district should prioritize the students with the most need so that students referred for SLD using the RTI model have sufficient data to support the decision.

Data Keeping and Analysis. Schools implementing an MTSS model should have a systematic process of collecting progress monitoring data and analyze the data during monthly data team meetings. A data system should be adopted, such as aimswebPlus, DIBELS Next, FastBridge, or Insight from Language Dynamics Group. Progress monitoring data should be graphed so the school team can compare the trend line or rate at which the student is improving to the norm-referenced goal (target) line. At the data meetings, student progress is reviewed and actions are developed to assure that the student is properly placed in an intervention and that the intervention is being implemented with fidelity.

### Rate of Improvement

The school data team must document the student's rate of improvement throughout the implementation of increasingly intensive interventions. The team must:

- identify the specific area(s) of concern—oral expression; listening comprehension; written expression; basic reading skill; reading fluency; reading comprehension; mathematical calculation; and/or mathematical reasoning;
- identify the rate of growth necessary and set intervention goals/aim to meet grade-level expectations (norms or benchmarks based on age- or grade-level state standards; i.e., close the gap with typical peers), with such analysis being based on research based norms or criterion-referenced benchmarks (see note below); and
- compare the student's actual growth against rate of growth expected or required.

Determining the rate of progress in relation to Tier 3/intensive intervention is a responsibility of the data team. The weekly progress monitoring data is used for the analysis of insufficient progress and should include a minimum of 8–10 data points for a reliable trend line (rate at which the student is improving). Insufficient progress criteria is based on the student's rate of improvement (ROI) in comparison to the

## Guidelines for Determining the SLD Eligibility using RTI

ROI goals with emphasis on closing the achievement gap. ROI can be determined using rate of improvement normative data on charts by hand or is provided by commercial data systems such as DIBELS Next or aimsweb. The criteria for goal determination must be stated when reporting data for insufficient progress. ROI goals must be selected using evidence-based strategies using ambitious but achievable goals.

### Considerations for Student Data Analysis

Teams must give consideration to the multiple variables relevant to each individual student when analyzing adequate progress. This requires problem solving and careful consideration of all the data gathered. The primary question to answer is: “Is the student making adequate progress to close the gap?”

A psychometrically valid and reliable methodology is used to analyze the progress-monitoring data. This means progress-monitoring scores need to accurately represent the student’s growth. School teams should be particularly cautious about making interpretations when there is a significant amount of scatter among the individual data points.

If there is reason to believe the trend line does not accurately represent the student’s growth, they need to consider the factors contributing to possible inaccuracies, such as:

- Whether the measures are being administered with fidelity
- Whether a sufficient number of measures have been administered to achieve technical adequacy of the slope
- Whether factors such as distractibility, time of day, or motivation are interfering with obtaining valid scores
- Whether the weekly measures represent such significant scatter that the trend line is too imprecise to accurately represent the growth

### Consideration for Progress-Monitoring Score Variability

When a student demonstrates considerable variability in his or her scores, the data team may need to investigate further to determine the cause of the variability. For instance, does a pattern exist related to the time of day or week during which the measure was administered? Might this be correlated with the variability of any of the scores? Or was it necessary to extend the intervention period because of a high number of student absences? In such cases, the team must proceed cautiously because a greater variability in scores increases the possibility of inaccurate interpretation. The use of a trend line when graphing student data may be necessary to analyze the student’s rate of improvement. If the team finds the data to be unreliable, it may consider whether it has sufficient data to make an eligibility determination.

### Analysis of Student’s Response to Intervention

Once the data is assured to be accurate, the team considers the student’s response to intervention. The response may be identified as **positive**, **questionable**, and **poor**.

- **Positive** response to intervention is evidenced when the rate of student learning is such that the gap between expected student performance and current student performance is closing and the point at which the student’s performance will “come in range” of the target can be extrapolated.

## Guidelines for Determining the SLD Eligibility using RTI

- **Questionable** response is indicated when the student's rate of progress has plateaued compared to intervention-group peers and eventual closure of the gap to expected student performance is not predicted.
- **Poor** response to intervention occurs when there is little to no change in rate of student growth after implementation of intervention, compared to intervention-group peers, and after assuring fidelity of implementation and increasing intensity of the intervention.

When there is a questionable or poor response, the team determines what adjustments could be made to maximize progress. Some of the variables to consider are in Table 1 Alterable Variables Chart. This is a reiterative process in tweaking intervention and determining progress. When there is evidence of multiple attempts to intensify intervention without sufficient progress then the data team recommends that the student be considered by a Problem Solving Team (PST) who discuss one student at a time. Districts may have different names for this process such as Child Study or Student Staffing/Study. The PST will review progress, prioritize concerns, generate new hypotheses and possible interventions / plans, create an action plan and decide when a follow up meeting will take place.

The PST should consider potential factors impacting student performance including, but not limited to:

- appropriate instructional match
- student attendance
- frequency and intensity of implementation
- intervention pacing
- the student's performance on the intervention program mastery tests
- performance of other children in the same intervention group (e.g., is this the only child not responding to the intervention, or are all children in the group responding in a similar way?)

If the PST is confident in the aforementioned factors, then a change of intervention is warranted (see Table 1 Alterable Variables Chart). If the team is not confident, additional data should be collected to identify an appropriate instructional match.

## Guidelines for Determining the SLD Eligibility using RTI

Table 1 Alterable Variables Chart

Alterable Components	Specific Adjustments				
<i>Opportunities to Learn (Time/ Concentration of Instruction)</i>	Increase attendance	Provide instruction daily	Increase opportunities to respond	Vary schedule of easy/hard tasks/skills	Add another instructional period (double dose)
<i>Program Efficacy</i>	Preteach components of core program	Use extensions of the core program	Supplement core with appropriate materials	Replace current core program	Implement specially designed program
<i>Program Implementation</i>	Model lesson delivery	Monitor implementation frequently	Provide coaching and ongoing support	Provide additional staff development	Vary program/ lesson schedule
<i>Grouping for Instruction</i>	Check group placement	Reduce group size	Increase teacher-led instruction	Provide individual instruction	Change instructor
<i>Coordination of Instruction</i>	Clarify instructional priorities	Establish concurrent reading periods	Provide complementary reading instruction across periods	Establish communication across instructors	Meet frequently to examine progress

### Criteria for Considering SLD eligibility

Decision rules must be applied consistently as part of the problem-solving team process. Decision rules describe levels of student response and decisions regarding next steps that can be made in accordance with those levels. The PST will consider the following criteria to determine if the student should be considered for an SLD or if the student should continue with the intervention process with the data team.

1. Student demonstrates little to no change in rate of growth after implementation of intervention, compared to intervention-group peers (Figures 3a and 3b), and after assuring fidelity of implementation and increasing intensity of the intervention (Figure 4).

# Guidelines for Determining the SLD Eligibility using RTI

Figure 3a Comparison to Peers in the Intervention Group

Student Name	Passed Mastery Tests?			On Ainline?			Behavior +/-	Days Absent	Comments:
	Enter passing grade ⇨	18	18	18	Enter Y or N				
	20	20	20						
Halima	18	17	15	n	n	N		8	Absent a lot
Martin	20	20	20	y	y	Y			
Jesus	18	19	20	y	y	N		2	
Chandra	17	18	18	y	y	Y		1	Works hard
Jentry	20	20	20	y	y	Y			
Jared	20	20	19	y	y	Y			
Dallas	19	19	20	y	y	Y			

Figure 3b Comparison to Peers in the Intervention Group in Line Graph

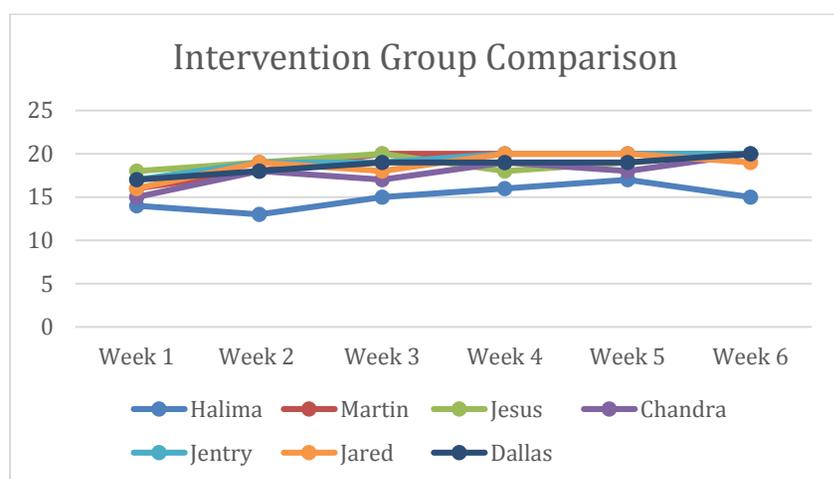
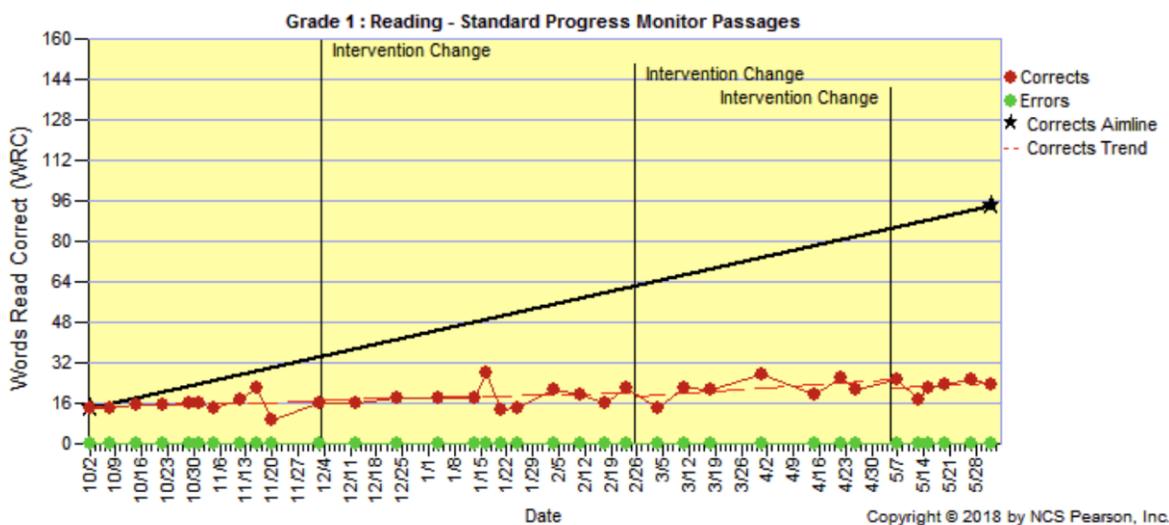


Figure 4 Student demonstrates little to no change in rate of growth

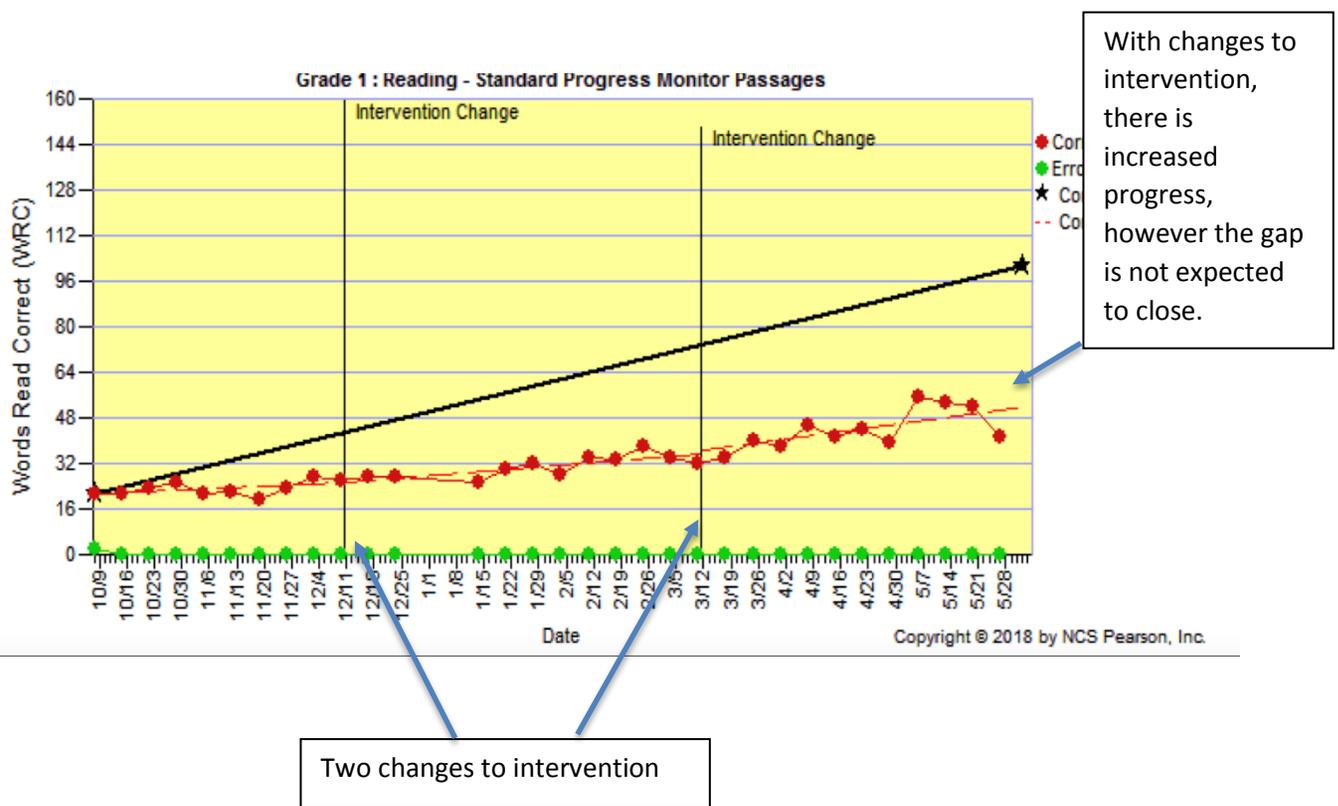


## Guidelines for Determining the SLD Eligibility using RTI

2. Student demonstrates some growth, yet eventual gap closure is not expected and/or the intensity of resources necessary to obtain this rate of progress cannot be maintained in general education (see Figure 5). Data teams should consider the intensity of the intervention when evaluating the progress the student is making. For instance, if an intervention is implemented with a high degree of intensity and the student is making minimal progress, the data team may decide that either the student will not close the gap in a reasonable period of time, or the intensity of implementation cannot be maintained long term by general education. Students who fall into this category are often students who will require ongoing, intensive support because their achievement begins to recede once supports are faded. A student whose skills may be considerably below those of his or her peers may need time to close the gap, but this student might not need ongoing support to maintain his or her skills once the gap is closed. In contrast, a student who likely has SLD may make slower progress toward closing the gap during intervention and require ongoing support to maintain his or her skills.

Figure 5-7 Sample data demonstrating some growth, yet eventual gap closure is not expected

Figure 5



# Guidelines for Determining the SLD Eligibility using RTI

Figure 6 Sample data using Nonsense Word Fluency for student demonstrating some growth, yet eventual gap closure is not expected

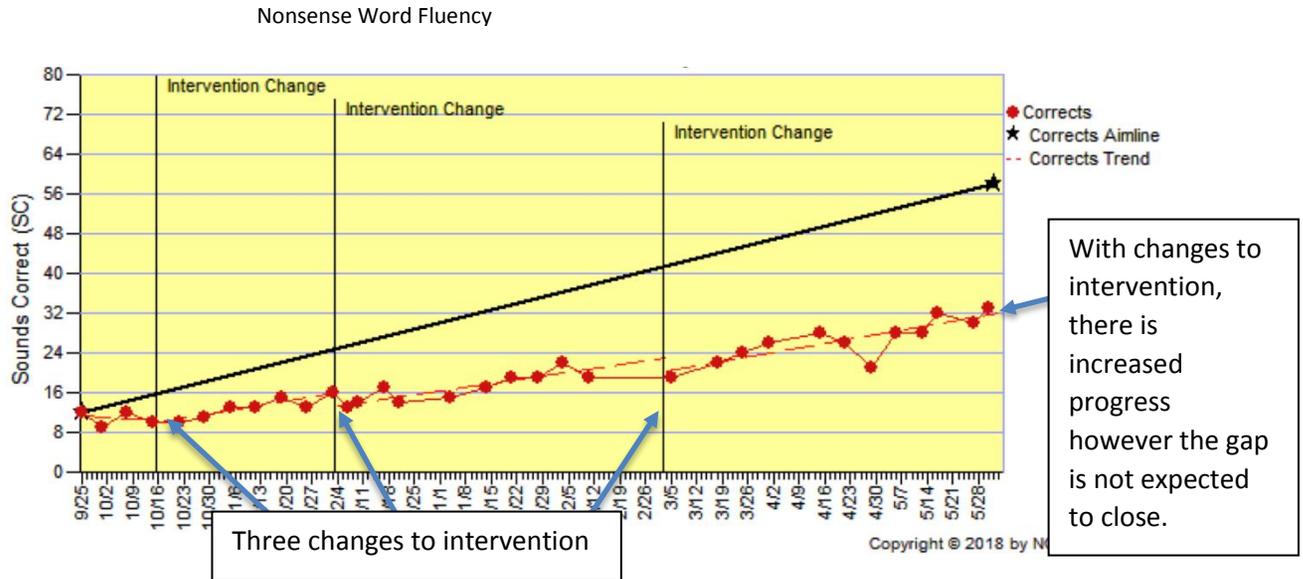
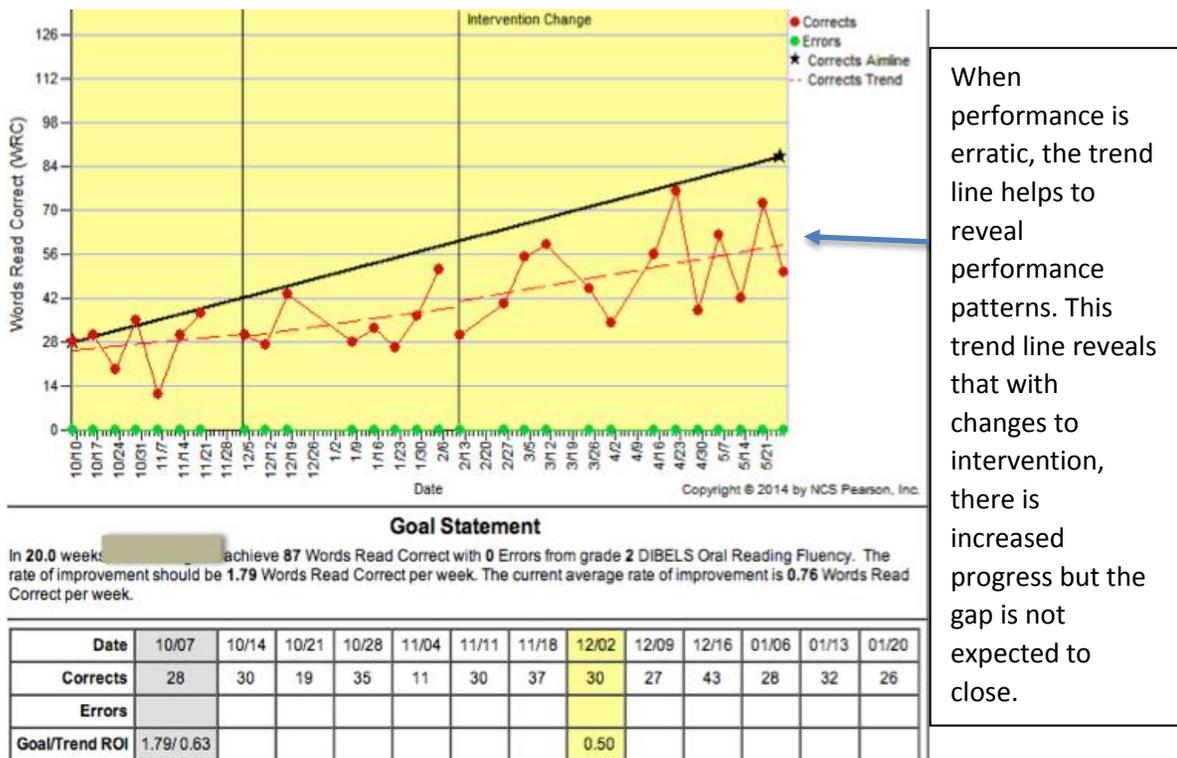


Figure 7 Sample data. Student demonstrating erratic performance shows growth, yet eventual gap closure is not expected



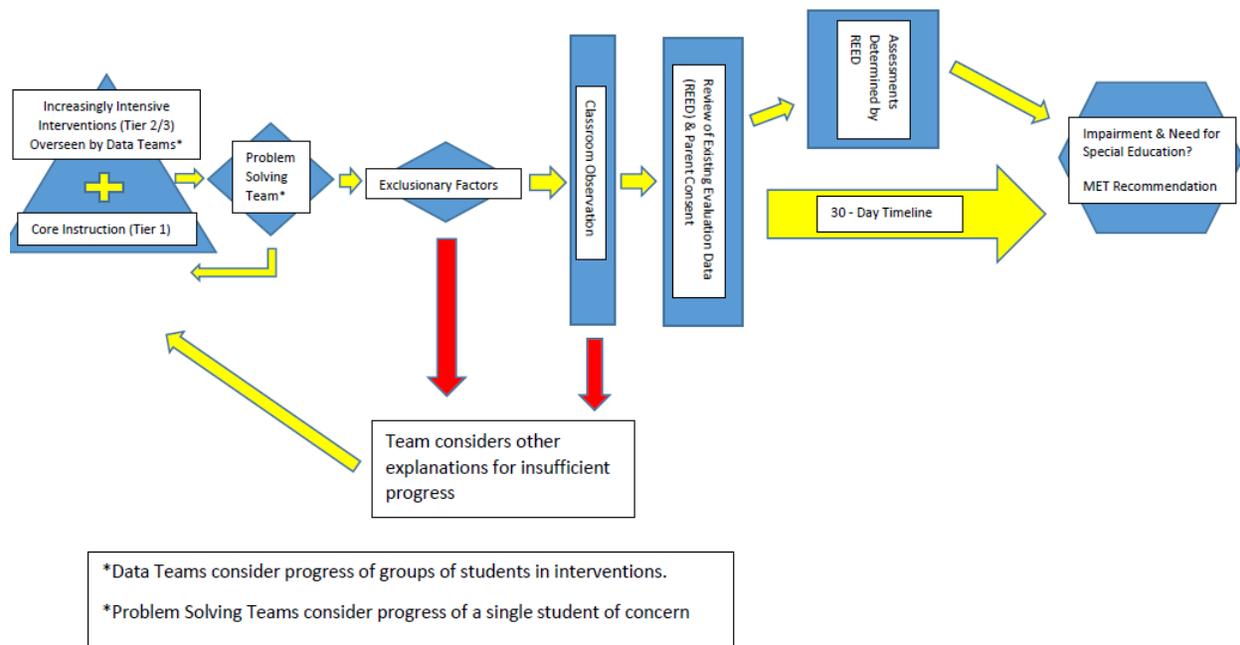
## Guidelines for Determining the SLD Eligibility using RTI

### Summary of Documentation for Insufficient Progress in Tier 2/3 Interventions

In summary, teams should provide the following information to support conclusions about the student's response to tiered intervention.

<b>Data Supporting Insufficient Progress in Tier 2 /3 interventions</b>
<ul style="list-style-type: none"><li>● Name of intervention</li><li>● Attendance</li><li>● Frequency</li><li>● Duration</li><li>● Pacing</li><li>● Progress Monitoring Data: Rate of improvement (ROI) with interventions comparing actual vs. expected rate of growth</li><li>● Data comparing performance to other students in intervention group</li><li>● Assurance of fidelity checks</li></ul>

## Guidelines for Determining the SLD Eligibility using RTI



### Exclusionary Factors

Once the data team determines that a student has inadequate achievement and has not made sufficient progress in increasing intensive levels of intervention they refer the student to the building level Problem Solving Team (PST). The PST typically has two options. The PST can recommend additional interventions to be tried or begin to consider that the student may have an SLD. If the PST determines no additional interventions need to be attempted the PST considers exclusionary factors that may be contributing the student’s inadequate achievement or insufficient progress.

As referenced in the “Michigan Criteria for Determining the Existence of a Specific Learning Disability” (2010) the findings of inadequate achievement and insufficient progress cannot be primarily due to certain exclusionary factors. These exclusionary factors include:

1. Environmental, cultural, or economic factors
2. Limited English proficiency
3. Other impairments (visual, hearing, motor, cognitive, emotional)
4. Lack of appropriate instruction in any of the eight areas of achievement being considered
5. Educationally relevant medical findings

In accordance with the SLD guidelines, a student may not be found to have an SLD if the MET/IEP team determines that any one of the exclusionary factors listed in the guidelines is the primary cause for the student’s inadequate achievement and/or insufficient progress. According to the “Michigan Criteria for Determining the Existence of a Specific Learning Disability” (Michigan Department of Education, 2010): “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 changes in SLD eligibility criteria, serious consideration of these factors becomes even more important.”

(MARSE R340.1713 and

[https://www.michigan.gov/documents/mde/Criteria\\_for\\_Existence\\_of\\_SLD\\_337584\\_7.pdf](https://www.michigan.gov/documents/mde/Criteria_for_Existence_of_SLD_337584_7.pdf))

## **Guidelines for Determining the SLD Eligibility using RTI**

### **Exclusionary Factor 1: Environmental or Economic Disadvantage**

When considering whether environmental or economic factors are exclusions, PST/MET/IEP teams may need to review data related to family mobility, school attendance, family change, and/or any recent trauma that may have substantially impacted school performance. When a referred student has attended many schools or has frequent absences, analyzing data in response to interventions can assist PST/MET/IEP teams in determining the impact of instruction on the student's learning and progress. For example, if a student has a poor attendance history and is now responding positively to intervention, he/she may not have a disability. If a student is consistently attending interventions provided with fidelity and is not responding despite several attempts to intensify interventions they may have a disability.

PST/MET/IEP teams need to seek information about a student's personal history, including living conditions, access to home or community-based learning activities, or expectations for school performance. PST/MET/IEP teams should determine whether any major factors outside of school are significantly impacting the student's learning and are the primary cause of the student's insufficient progress and inadequate achievement.

The educational environment may also have an impact on student performance. PST/MET/IEP teams should consider whether classroom culture is supportive of the student and whether the student functions differently from classroom to classroom, year to year, or from intervention setting to general education classroom. Data from multiple observations pertaining to grade level and classroom peers of routine classroom instruction are a source of information on student response to the educational environment.

### **Exclusionary Factor 2: Limited English Proficiency; Cultural Factors**

PST/MET/IEP teams should take special care when evaluating students who are English language learners. At least one person who is knowledgeable about development of English and related achievement skills for the student's age and language/cultural background should be a member of the PST/MET team and IEP team. Research indicates that language and culture may impact academic performance up to the fourth generation (Ortiz, 2008). Although a student may develop adequate English to interact socially within one to three years of immersion, is not unusual for some students to take up to five to seven years to develop academic language proficiency that allows them to function effectively in an educational setting (Cummins, Harley, & Swain, 1990).

To assist PST/MET/IEP teams in identifying and determining the impact of any cultural factors, interviews should be conducted with parents, the referred student, or members of the student's cultural community. Cultural elements that may impact school achievement include:

- Communication patterns
- Behavioral expectations
- Gender-based family roles
- Prescribed cultural practices

## **Guidelines for Determining the SLD Eligibility using RTI**

The PST/MET/IEP team should review disaggregated achievement data for the student's demographic subgroup and data for the aggregated grade/age level. Suggested questions for PST/MET/IEP teams when analyzing such data include:

- Does a gap analysis suggest a significant difference between the student's achievement and the achievement for the student's same-grade/age peer in the same subgroup?
- Are the majority of students in the aggregate group achieving age or state-approved grade-level standards in the area(s) of concern for the referred student?
- How does the referred student's performance compare to the performance of the aggregate group?
- If the student is a member of an economic, limited English proficient, or cultural subgroup, how does the performance of the subgroup compared to the performance of the aggregate grade or age group?
- How does the referred student's scores compare to those of other students within his or her subgroup?

PST/MET/IEP teams may not exclude a student based solely on his or her being part of a subgroup that is, as a whole, demonstrating low achievement. Therefore, it is important that PST/MET/IEP teams consider whether the student is exceptional from his or her subgroup to rule out exclusionary factors as causes of the student's unexpected underachievement. In all cases, when such a student's achievement is delayed in comparison to grade-level expectations, PST/MET/IEP teams must review additional information about the student's instructional history and performance and make the decision about whether the exclusion applies on a case-by-case basis.

### **Exclusionary Factor 3: Other Impairments, Including a Visual, Hearing, or Motor Disability**

A student who has been primarily identified with a cognitive impairment (CI) cannot also be identified with a SLD. Students with this identified disability exhibit significant delays in measured intelligence, adaptive behavior, and academic functioning. A student's level of adaptive behavior is a central consideration when determining or ruling out the possibility of cognitive impairment.

A SLD may coexist with sensory and motor impairments (hearing, vision, orthopedic), emotional impairment (EI), and autism spectrum disorder (ASD). However, these eligibilities cannot be the primary cause for the finding of insufficient progress or inadequate achievement.

When social/emotional behavior is a concern for the referred student, PST/MET/IEP teams may consider data regarding:

- Whether the student's academic performance improves when provided with individualized positive social/emotional/behavioral support
- Whether the student's problematic behavior occurs primarily when the teaching is above his or her current instructional level
- How the student's level of sustained attention affects his or her engagement with curriculum and academic progress

## Guidelines for Determining the SLD Eligibility using RTI

- How the student differs in performance across school subjects, settings, or teachers

Note: Speech/language impairment (SLI) and SLD often coexist, with many students receiving speech and language services under a primary disability of SLI previously. When the primary disability is changed to SLD, SLI becomes a related service. This is the same when a student's eligibility changes from SLI to ASD.

### Exclusionary Factor 4: Lack of Appropriate Instruction

If PST/MET/IEP teams find that a student's inadequate achievement and insufficient progress in one or more of the eight areas of achievement for SLD is due to a lack of appropriate instruction, it may not identify the student as having the impairment of SLD. PST/MET/IEP teams need to verify that appropriate instruction has been provided in the achievement area(s) of concern being considered in the evaluation. Not all eight areas of achievement for potential SLD must be addressed in every SLD evaluation. When considering the area of reading, federal regulations reference the essential components of reading identified in the Elementary and Secondary Education Act (ESEA), which include (71 Fed. Reg. 46646 [August 14, 2006]):

- Phonemic awareness
- Phonics
- Reading fluency, including oral reading skills
- Vocabulary development
- Reading comprehension strategies

To determine whether the student received appropriate instruction, PST/MET/IEP teams review student specific grade level and student demographic information for all students in the same grade as the student being evaluated. Examples of specific data MET/IEP teams may review include:

- Evidence that explicit, systematic universal (core) instruction with differentiation was provided regularly in general education in the area(s) of concern for the referred student
- Evidence that universal (core) instruction was delivered according to its design and methodology
- Evidence that instruction was provided by qualified personnel
- Data indicating that universal (core) instruction was sufficiently rigorous to assist the majority of students, including a comparison to the student's demographic subgroup(s)
- Data that the student attended school regularly for instruction. If the student was frequently absent or out of the classroom (without access to general education curriculum), the team may consider how the student learns when he or she is present and if the learning difficulties persist when the student is present in the classroom.

Grade-level information may also be used to verify appropriate instruction in the area(s) of concern. Such data may include:

- State assessment results

## **Guidelines for Determining the SLD Eligibility using RTI**

- District-wide assessments aligned with state common core standards and local standards
- Grade-level common assessments

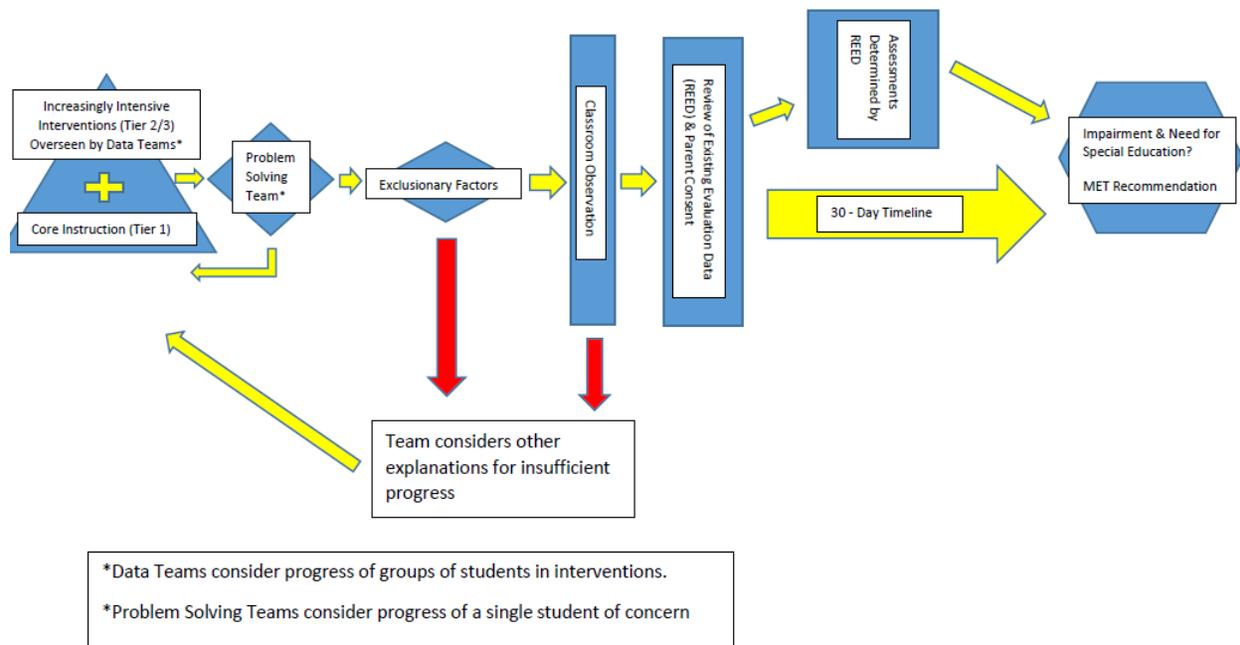
If the referred student is part of a disaggregated subgroup for statewide assessments, PST/MET/IEP teams may analyze data for the grade level disaggregated group as well as the student's individual performance and instructional history. PST/MET/IEP teams might consider whether the referred student performs like or unlike his or her peers in the disaggregated group. PST/MET/IEP teams should use this information as an indication to delve deeper into the student's instructional history and carefully consider the student's response to intensive intervention. PST/MET/IEP teams should not however, base its determination solely on whether the student is a member of a low-performing subgroup. Information demonstrating that the referred student was provided with appropriate instruction in general education is documented in the evaluation report.

### **Exclusionary Factor 5: Educationally Relevant Medical Findings**

When completing a comprehensive evaluation for a student with a suspected SLD, PST/MET/IEP teams must consider any current medical findings related to the eligibility determination. The summary and analysis of such data are documented as part of determination of eligibility.

If the PST can assure that none of the exclusionary factors are a main cause for the student's inadequate achievement or insufficient progress, an appropriate member of the PST will conduct a classroom observation in the student's typical learning environment to determine if there are any potential environmental factors or other possible reasons for the student's inadequate achievement or insufficient progress such as attentional or emotional issues. Criteria for a classroom observation are detailed in the next section.

## Guidelines for Determining the SLD Eligibility using RTI



### Classroom Observation

At least one systematic observation is required for all SLD evaluations to determine the relationship between the student's academic performance and behavior. This should be conducted in each content area of suspected disability and using a systematic observation methodology. A single systematic observation may provide information about one or more achievement area of potential SLD for the referred student (e.g., reading fluency and reading comprehension).

The systematic observation must occur during routine classroom instruction. A second observation may be completed during the evidence-based intervention (EBI) provided to the student. The observer must be someone other than the person who is delivering the instruction or intervention.

The term "systematic observation," which is not defined by MARSE, refers to a method of measuring classroom behaviors related to a student's learning from direct observation in a natural setting. Guidance for conducting systematic observation includes but is not limited to the generally accepted practices outlined in the paragraphs below.

### Conducting a Systematic Observation

A systematic observation is planned in advance. The following activities are suggested:

1. Prior to the observation
  - Identify the content areas of concern that are the target of the observation
  - Define the target behavior(s) to be observed in an objective, explicit, and precise manner (e.g., process for solving math problems; literal comprehension questions answered after silent reading; active engaged time on task)

## Guidelines for Determining the SLD Eligibility using RTI

- Select a method of recording data such as Partial Interval Recording, Whole Interval Recording, Momentary Time Sampling, Behavioral Observation of Students in Schools (BOSS) and Scatterplots. For further information click <http://www.rtinetwork.org/getstarted/sld-identification-toolkit/ld-identification-toolkit-criterion-5>
- Specify the time and location of the observation

### 2. During the observation

- Make note of environmental factors and classroom dynamics that may be related to student performance (e.g., classroom arrangement, number of students, availability of materials, student engagement, visual distractions, and auditory distractions)
- Collect the data using a selected recording method
- Document the observed student strengths and other relevant anecdotal observations

### 3. After the observation

- Compile the data for the team to discuss and analyze.

## Analysis of Data from Systematic Observation

Upon completion of the observation the PST should examine and discuss the results of the systematic observations in relation to other formal and informal assessment data collected about the student. Information from systematic observation(s) assists the team in making decisions about:

- The student's achievement level and progress
- Needs related to the area of concern
- Barriers that may interfere with the learning or conditions that may facilitate learning
- Possible exclusionary factors that may be the primary cause of the student's inadequate achievement or insufficient progress

Questions the team should consider regarding the results of systematic observation may include:

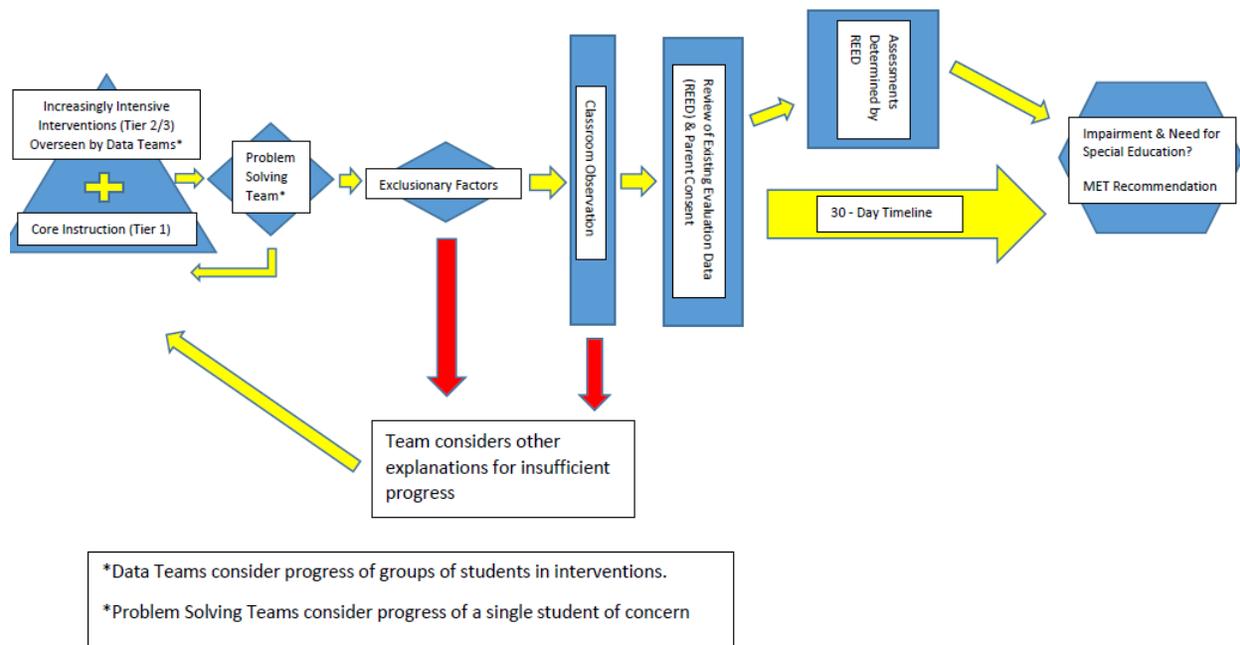
- Was the student's performance and behavior in the area of concern "typical" during the observation compared to how the student functions at other times or in other settings?
- What learning skills were difficult for the student?
- What student strengths were noted during the observation?
- Did behaviors interfere with learning to such an extent that they may be the primary reason the student is not making sufficient progress?

## **Guidelines for Determining the SLD Eligibility using RTI**

- Did the student have the prerequisite skills to perform the tasks being observed?
- Are the data collected during systematic observations consistent with other formal and informal data about the student in the area(s) of concern?
  - What is the relationship between the student's demonstrated level of skill and behavior when compared to the other students in his or her environment?

Once the PST can assure no exclusionary factors or findings from the observation are blocking achievement and progress the PST essentially turns into a MET and will meet or communicate with all appropriate parties including parents/guardians to convene a REED. The REED procedures will be detailed in the next section.

## Guidelines for Determining the SLD Eligibility using RTI



### Review of Existing Evaluation Data (REED)

The Review of Existing Evaluation Data (REED) will be done as a document of consent for evaluation. The team gathers and examines existing data to decide if the data is sufficient to establish the child's eligibility and determine educational needs, or if additional information is needed.

The team organizes the existing information: the student's inadequate achievement in Tier 1, insufficient progress in Tier 2 / 3 interventions, exclusionary factors and a classroom observation as summarized below.

Existing Evaluation Data
<b>Data Supporting Inadequate Achievement in Tier 1</b>
<b>State and National assessment data</b>
<ul style="list-style-type: none"> <li>Scores below state proficiency levels (i.e., M-Step / current state-wide assessment, SAT/ACT)</li> </ul>
<b>School/District wide assessment and Universal Screening Data</b>
<ul style="list-style-type: none"> <li>Scores below proficiency levels ( i.e., NWEA MAP, STAR 360, IOWA)</li> <li>Curriculum Based Measures (CBM) results below benchmark (i.e., aimswebPlus, DIBELS Next, EasyCBM, FastBridge)</li> </ul>

## Guidelines for Determining the SLD Eligibility using RTI

<b>Existing Evaluation Data</b>
<b>Grade level data</b> <ul style="list-style-type: none"><li>• Assessments (i.e., Common assessments, Curriculum assessments, classroom based, formative assessments) linked to age or state-approved grade-level standards (i.e., Common Core State Standards)</li><li>• Grades below proficient. It is important that grades are interpreted with caution to verify that adequate academic skill is the primary weight of their achieved grade</li><li>• Student work products</li></ul>
<b>Teacher input</b> <ul style="list-style-type: none"><li>• Systematic teacher observations related to concerns over time and as compared to peers.</li></ul>
<b>Observation (When done prior to the REED)</b> <ul style="list-style-type: none"><li>• Systematic observation must occur during routine classroom instruction</li></ul>
<b>Parent observations/input</b>
<b>Accommodations</b> <ul style="list-style-type: none"><li>• Accommodations consistently provided in the general education setting and their effectiveness</li></ul>

<b>Data Supporting Insufficient Progress in Tier 2 /3 interventions</b>
<ul style="list-style-type: none"><li>• Name of intervention</li><li>• Attendance</li><li>• Frequency</li><li>• Duration</li><li>• Pacing</li><li>• Progress Monitoring Data from systematic error analysis including:</li><li>• Gap analysis data<ul style="list-style-type: none"><li>○ Rate of improvement (ROI) with interventions implemented</li><li>○ Typical rate of peer and intervention group improvement</li></ul></li><li>• Assurance of fidelity checks</li></ul>

## Guidelines for Determining the SLD Eligibility using RTI

Data Verifying Lack of Exclusionary Factors
<ul style="list-style-type: none"><li>● Environmental, cultural, or economic factors</li></ul>
<ul style="list-style-type: none"><li>● Limited English proficiency</li></ul>
<ul style="list-style-type: none"><li>● Other impairments (visual, hearing, motor, cognitive, emotional)</li></ul>
<ul style="list-style-type: none"><li>● Lack of appropriate instruction in any of the eight areas of achievement being considered</li></ul>

Once the team has gathered the existing data, the team must decide what, if any additional data is needed to determine if the referred student is a student with a SLD.

At this point in the process the team has collected multiple methods of assessing student performance with input from parents, teachers, school psychologists, teacher consultants, speech language pathologists and other pertinent staff. These data will assist the team in creating educationally relevant recommendations for instructional strategies, interventions, supports and services to close the student's achievement gap.

***When the above process is followed, most cases will not require additional assessment data such as a psycho-educational assessment (i.e WISC/Woodcock Johnson). School-based teams, including parents, must determine what type of information is needed to inform the problem-solving effort and what type of assessments provide that information on a student-by-student basis. It is important to note that psycho-educational testing alone does not constitute a comprehensive evaluation and is not a mandatory component. Proponents of the RTI method for SLD determination suggest that cognitive assessment be reserved for situations where cognitive impairment is suspected. Even then the team might consider using an adaptive skills assessment first to determine the need for cognitive assessment.***

If the team and parents/guardians determine no additional data is needed the team moves directly to the MET as described in the next section of this document. The team then uses the legally mandated timeline to prepare a MET report, make recommendations, and schedule an IEP.

If the team and parents/guardians determines more information and or assessments are needed to make a decision to move forward those assessments must be documented on the REED. The appropriate educational professionals will then conduct agreed upon evaluations within the legally mandated timelines and make a recommendation.

As a reminder, all assessments including those done prior to and after a REED must include the following characteristics:

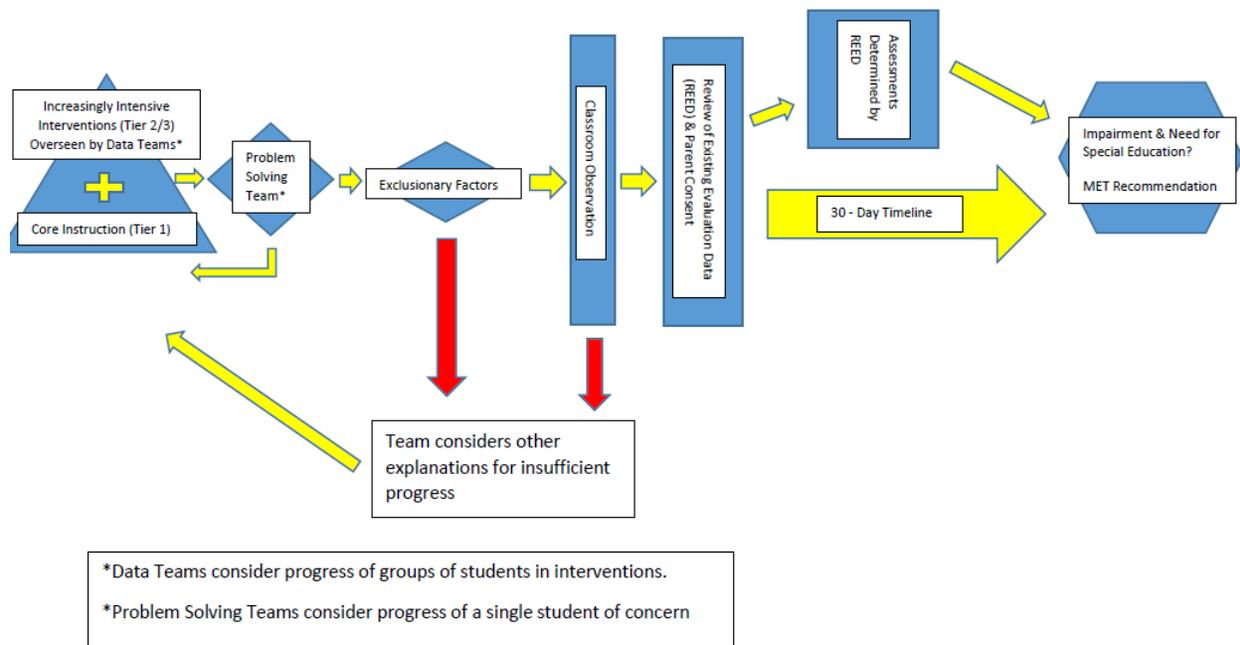
- Qualified Professional: The assessment is administered by a professional with expertise in assessment, data analysis, and SLD determination
- Norm-referenced: The assessment estimates and ranks a student's performance against the performance of his or her peers. The estimate and ranking are made based upon the scores of a

## Guidelines for Determining the SLD Eligibility using RTI

sample of students from the same population (e.g., a sample of children attending public schools across the country). A recent version of assessments should be used in order to ensure that the normed populations used to derive standardized scores for the assessment are comparable to the assessed student's population.

- Valid: The assessment measures what it is intended to measure. Validity is represented by a quantitative analysis of the relationship between the chosen measure and other accepted indicators of the skill being measured.
- Reliable: The assessment consistently achieves the same results with the same or a similar cohort of students. Reliability is represented by a quantitative analysis of the consistency of results across assessors, administration events, and the internal consistency of the items on a chosen measure. Standardized achievement tests should have reliabilities around .90.
- Diagnostic: The assessment has a sufficient number of items to identify strengths and weaknesses in a student's current knowledge and skills for the purpose of identifying a suitable program of informing intervention and instruction.

## Guidelines for Determining the SLD Eligibility using RTI



### Impairment & Need for Special Education? MET Recommendation

A disability under state and federal special education law means the student meets the eligibility criteria for at least one of the SLD guideline areas, and also requires special education support because of the impairment. When considering whether a student is eligible, MET/IEP teams must address two distinct questions. Both must be answered “yes” before MET/IEP teams may determine a student is a “student with a disability” under state and federal special education law:

1. Does the student have an impairment?
2. Does the student require special education because of the impairment?

Upon conclusion of the REED and the completion of any additional assessments the MET determines its recommendation to the IEPT choosing one of two options:

**NO.** There is sufficient information from the student’s history, grades, classroom assessments, district assessments, state assessments, intervention data and observation to recommend that the student does not have an SLD because the current data suggest that the student is responding to intervention and if the current interventions remain, the student will close the achievement gap in a reasonable amount of time. Students whose learning needs are met within the general education environment through the use of individual accommodations rather than specially designed instruction would not be considered a special education student in this area.

**YES.** There is sufficient information from the student’s history, grades, classroom assessments, district assessments, state assessments, intervention data and observation to recommend that the student has an SLD and will need special education because the current data suggest that with current supports and interventions, the student will not close the achievement gap in a reasonable amount of time. This student needs specially designed instruction through the

## **Guidelines for Determining the SLD Eligibility using RTI**

provision of programs and services in special education to meet the disability-related needs identified in the evaluation

Once the evaluation is complete and the MET has recommended eligibility for SLD due to the student's impairment and need for special education, it is now the task of the IEPT to develop specially designed instruction to meet the student's needs. Having used the RTI approach for SLD determination, the team has substantial information for the intentional development of the student's IEP.

## Guidelines for Determining the SLD Eligibility using RTI

### References

Kovaleski, J., VanDerHeyden, A., & Shapiro, E. (2013). *The RTI Approach to Evaluating Learning Disabilities*. New York, NY: Guilford.

National Center on Learning Disabilities. (2014). *RTI-Based SLD Identification Toolkit*. Retrieved from the RTI Action Network website: <http://www.rtinetwork.org/getstarted/sld-identification-toolkit>

O'Connor, John L. (2016) *Great Instruction Great Achievement for Students with Disabilities: A road map for special education administrators*. Warner Robbins, GA: Council of Administrators of Special Education.