

SLD Eligibility

Macomb Intermediate School District
Technical Assistance for the Identification
of SLD
June, 2011

Acknowledgements

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- Dawn Bruley – Fitzgerald
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Introduction

The goal of this presentation is to provide technical assistance and guidance to the constituent districts' in Macomb County for determining the existence of a specific learning disability

Definition of SLD

- A specific learning disability (SLD) 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, 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.

History

- *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 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).*

Macomb Model

- 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
 - other pertinent staff.

Ability/Achievement

MISD strongly discourages the use of the ability/achievement severe discrepancy model and encourages districts to adopt a model using RtI, PSW or both as part of a comprehensive (full and individual) evaluation.

Comprehensive Evaluation

- A comprehensive evaluation for SLD does not rely on a single measure or assessment.
- The comprehensive evaluation involves using 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 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.

Comprehensive Evaluation Cont.

- School-based teams, including parents, must determine what type of information is needed to inform the problem solving effort and what type of assessments would provide that information on a student-by-student basis.
- The two basic and fundamental requirements of a comprehensive evaluation are:
 - 1) To determine whether the student is a student with a disability that adversely affects the student's educational performance.
 - 2) To determine the educational needs of the student.
- An evaluation is incomplete if it only establishes the existence of a disability without determining the special education needs of the student.

Regulatory Requirements

The following criteria apply to all methods used to determine SLD eligibility:

- A student must not be determined to be a student with a disability if the determinant factor for that determination is:
 - Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act) [including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skills, and reading comprehension strategies];
 - Lack of appropriate instruction in math, or
 - Limited English proficiency.

Initial Evaluation Must Have:

- Reason for referral
- Relevant background information/case history
- Observation of the student in the learning environment of suspected disability and during assessments
- Parent input
- Teacher input
- Educationally relevant medical information (as appropriate)
- Summary of relevant state and district assessments (if available)

- Summary of student progress monitoring toward achieving academic standards that has been provided to the student's parents at regular intervals AND/OR a summary of relevant additional assessments as determined by MET (e.g. cognitive and/or achievement norm-referenced standardized assessments as appropriate) to determine a pattern of strengths and weaknesses

- Assurance that the student's underachievement is not due to lack of appropriate instruction in reading or math
- Assurance that the student was provided appropriate instruction in regular education settings, delivered by highly qualified personnel
- Assurance that the findings of the evaluation are not primarily the result of: a vision, hearing, motor, emotional, cognitive impairment; cultural factors; environmental or economic disadvantage; limited English proficiency; or autism spectrum disorder
- Assurance that the disability adversely affects the student's educational performance and requires special education

Reason for Referral

- This may be established as a result of a review of:
 - The student's educational record
 - Past and present teacher input regarding:
 - the student's academic performance
 - motivation, persistence, and academic strengths and weaknesses
- Input should be obtained across academic disciplines when there are multiple teachers
- Teacher input should be analyzed for consistency or discrepancy across grades and/or academic areas.

Relevant Background/History

- A thorough review of relevant student background and history provides valuable insight into the underlying factors contributing to limited student performance, instructional need and ruling out exclusionary factors.

Relevant Background/History Cont.

- Issues and critical questions to consider as part of the eligibility determination process include the following:
 - Student disciplinary records
 - Past and present report card grades
 - Educational exposure
 - Appropriate instruction
 - Intervention and Supplemental Support Services
 - Language exposure

Observation

- During any assessments of the student, behaviors that are relevant to learning styles, frustration, temperament, problem-solving skills etc. should be noted as part of the record
- In regard to observations in the learning environment, an observation conducted during an early intervening period may be used, and must be properly documented, by the evaluation team.
- If, however, an observation has not been conducted prior to the referral and request for evaluation, or additional observation data is needed, at least one member of the evaluation team must conduct and properly document the observation(s).

Observation Cont.

- *An observation:*
 - Must address academic performance and behavior in the specific area(s) of concern
 - Must be conducted in the child's learning environment as determined by the evaluation team
 - Must be conducted in the general education setting unless the child is less than school age or does not participate in general education

Observation Cont.

- **The observations must be scheduled at a time when the child is engaged in the specific area of concern identified in the evaluation plan.**
- **Existing observations (if available) must have been conducted while the child was engaged in the specific area of need identified in the evaluation plan.**
- **The federal and state regulations do not prescribe the type of observation to be conducted; the following methods may be appropriate:**
 - **Behavioral observation procedures that result in quantifiable results (e.g., event recording, time sampling, interval recording)**
 - **Methods that relate student's classroom behavior to instructional conditions**
 - **Informal or anecdotal recordings that address referral questions, instructional practice, and instructional fidelity**

Parent Input

- Parent input can be obtained by the following:
 - Home visit
 - Email correspondence
 - Phone correspondence
 - Rating Scales/History Questionnaire
 - Meeting with the parent at school
 - Parent-Teacher conference
 - RtI meeting/Child Study Team meeting

- Types of information obtained can be:
 - School history
 - Medical history
 - Prior evaluations
 - Familial information
 - General behavioral information

Teacher Input

- Current academic performance
- Behavioral and social interactions
- Attendance
- Current and past classroom accommodations
- Current and past interventions

Educationally Relevant Medical Information

- Has the student passed school-based hearing and vision screenings?
- Is there documentation of any medical conditions that may impact student learning?
- Are the student's relevant medical conditions under the care of a physician or clinical provider?
- Has a release of information been obtained to communicate with outside providers?

Relevant State and District Assessment Data

- Progress in learning state standards is a fundamental consideration for instructional planning and for understanding educational performance levels.
- The team must consider the level of proficiency with state standards, as measured by state assessments and/or district benchmarking assessments.
- Dates, descriptions (names) of, and scores derived from, these assessments may be reported.

Definition of RTI (Response to Intervention)

- Definition: Response to intervention integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems.
- With RTI, schools
 - identify students at risk for poor learning outcomes
 - monitor student progress
 - provide evidence-based interventions
 - adjust the intensity and nature of those interventions depending on a student's responsiveness, **and**
 - **identify students with learning disabilities...**

Summary of Student Progress

- Prior to (and during) the evaluation, documentation of student's progress toward achieving standards must be evident.
- Progress must be evaluated and data gathered, repeatedly, at reasonable intervals.
- Information must have been shared with parents throughout data collection.

Student Progress Cont.

- Data representing repeated measures of student progress are analyzed to determine the possibility of a specific learning disability.
- Repeated progress measures may include, but are not limited to:
 - universal screening instruments and progress monitoring tools (e.g. DIBLES, Aimsweb, STAR, SRI, etc.)
 - district assessments
 - other assessments comparing students to same-age or same-grade peers, or comparing to age and grade benchmarks, etc.
- Regardless if the MET team utilizes an RtI approach or not, data collection and sharing of progress data with the student's parents is imperative.

Student Progress Cont.

- Rate of progress can only be established by ongoing progress-monitoring tools that assess the student's response to intervention.
- These measures must be reliable and valid, used with fidelity, be efficient, repeatable, sensitive to growth.
- It is also recommended that these measures be graphically represented for decision making.

Decision Rules Regarding Progress

- Decision rules describe levels of student response and decisions regarding next steps that can be made in accordance with those levels.
- The three levels of student response may be identified as:
 - **Positive response:** 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 target can be extrapolated.
 - **Questionable response:** when the gap stops widening but eventual closure is not predicted.
 - **Poor response:** when there is little to no change in rate of student growth after implementation of instruction/intervention.

Students Need for Special Education using RtI

- In establishing the student's "need" for special education and specific learning needs, it is essential to determine:
 - the intervention(s) to which the student responds
 - the degree of their response.
- This determination should also include careful consideration of the extent the student's ability to maintain that response is dependent on receiving the interventions.

Students Need for Special Education using RtI

- For cases in which the student's response is considered *only minimal (poor or questionable)*,
 - the team may decide that the student needs resources available through special education because it appears that he or she will require intensive services on an on-going basis.
- The decision to provide special education services may also be made in situations in which the student's response is considered *positive*.
 - The team may determine that in order maintain the degree of positive response; interventions need to be continued at an intensive level that is best provided through the provision of special education and related services.
- ***For all students who are determined to be in need of special education services, it is expected that the problem-solving process will continue at an intensive level for the purpose of identifying the intervention(s) that will close the gap.**

But Wait!!!

- Response to intervention does not replace the requirement to rule out other factors that may contribute to learning difficulties.
- In many cases the data gathered during the RtI process may be sufficient to rule out environmental, cultural, or economic factors and limited English proficiency if there is documentation that the majority of students from similar demographics, to the extent possible, are meeting expectations.
- A student should not be considered disabled unless there is evidence of sufficient opportunities to learn and instruction/interventions are effective for their peer group.
- An RtI approach provides empirical evidence of the effectiveness of core instruction as well as small group and individual interventions.

What about parent request??

- If a parent requests “an evaluation” during the RtI process the intervention process should continue concurrently with the evaluation as outlined above.
- If, at the end of the evaluation timeline, the group of qualified professionals does not have enough evidence to determine eligibility, the group can propose an extension of the evaluation timeline or conclude that the eligibility decision must be made with the currently available information.
- The school’s responsibility is to meet the student’s instructional/intervention needs as informed by the student’s on-going response to what is being implemented and adjusted accordingly.
- Thus the response to intervention cycle continues with or without an eligibility determination

Pattern of Strengths and Weaknesses—Definition

- A scientifically-based approach to identifying learning disabilities, through an examination of patterns of strength and weakness across (not within) academic and intellectual domains.
- Theory: Students with a SLD have largely average performance in most areas, with isolated academic weaknesses
- Has no bearing on other disability areas

PSW

- Evaluation documentation must consider whether the student exhibits a pattern of strengths and weaknesses
 - In performance, achievement or both
 - Relative to age, State approved grade levels standards, or intellectual development
 - That is determined by the group to be relevant to the identification of SLD using appropriate instruments

PSW

- Practical approach until RtI is implemented
- Addresses the “psychological processing” component of the SLD definition not identified using RtI alone
- Concepts are scientifically based
- Considers a broader range of information
- Allows for differential diagnosis
- May let teachers, parents, and students know why an academic problem exists, or why the student does not respond to an intervention

Main Idea of PSW

- Many academic and cognitive abilities in the average range
- Specific academic weaknesses
- Specific cognitive weaknesses
- Research-based links between the academic and cognitive weaknesses
- Unrelated cognitive abilities are average or above
- Full Scale IQ is irrelevant, except for MR

Models of PSW

- Federal and state regulations do not specify the type of PSW model that should be employed and districts have flexibility in selecting which PSW model to use.
- The three research-based models of PSW are listed below. Teams are encouraged to investigate/evaluate the models and use the one(s) that best suit their situation.
 - Aptitude-Achievement Consistency model (Flanagan, Ortiz, & Alfonso, 2007).
 - Concordance-Discordance model (Hale & Fiorello, 2004).
 - Consistency-Discrepancy model (Naglieri, 1999).

General Data Collection - PSW

- Determination of a PSW requires the team to collect and compare data from multiple sources.
 - norm-referenced tests of achievement and cognitive abilities/executive functioning
 - CBMs
 - criterion referenced assessments
 - state- and district- established measures of grade level expectations (e.g., MEAP, MLPP, math and writing benchmark tests, etc.)
 - grades
 - teacher reports
 - observations of the student in the learning environment,
 - observational rating scales (e.g., behavior checklists and rating scales).

PSW Considerations

- The student displays a pattern of strengths and weaknesses, including evidence of an academic skill deficit and insufficient progress, and weakness in cognitive processing /executive functioning skills that are determined to be relevant to the identification of an SLD.
- Weaknesses may be identified relative to the following areas:
 - Weakness in performance relative to age;
 - Weakness in achievement relative to age;
 - Weakness in performance relative to State approved grade-level standards;
 - Weakness in achievement relative to State-approved grade-level standards;
 - Weakness in performance relative to intellectual development;
 - Weakness in achievement relative to intellectual development.

Terms and Definition	Sources of data relative to age	Sources of data relative to grade-level standards/expectations
<u>Performance</u> : Actual functioning in the classroom setting	Report cards grades, Teacher observations and reports In-class tests Student work samples Additional classroom observations	Standards based report cards or Portfolio assessments In class tests Student work samples Additional classroom observations
<u>Achievement</u> : Functioning on non-classroom based assessments	Individually administered, norm-referenced achievement tests	CBMs (e.g., DIBELS, AIMSweb) Criterion-referenced measures State and district level assessments (e.g., MEAP, MLPP, district benchmark assessments)
<u>Intellectual Development</u> : The student's cognitive processing and executive functioning skills	Norm referenced measures of cognitive processing and executive functioning skills, surveys, rating scales, and observations.	Student work samples, teacher reports/observations, CBMs, etc. should be used to support data and hypotheses from testing

Question For You...

- What is your cut point for EI?
- What is your cut point for ASD?
- Hmmmm...

Decision Rules (NOT CUT POINTS)

- Teams are cautioned to consider that these are complex decisions that should be based on the convergence of multiple sources of data that are considered valid and reliable.
- **Professional judgment remains a critical component in the decision making process (just like for EI and ASD).**
- Professional judgment is important for interpreting all assessment data within the context of current research-based knowledge of SLDs, and for contributing to appropriate decisions that are made in the best interest the student's learning needs.

Assessment Type	Strength	Weakness
Progress monitoring	Meeting / exceeding aimline	Falling below aimline for at least 4 consecutive weeks on most recent tests.
CBM (Benchmark) screening	At 'benchmark' level or above grade-level median score if using local norms.	At 'at-risk' level or below 10%ile if using local norms.
Criterion-referenced assessment	Percentile rank \geq 30	Percentile rank \leq 9
MEAP	Level 1 or Level 2	Level 3 or Level 4
Norm-referenced tests (Achievement, Cognitive Assessments)	**see guidance charts that follow	**see guidance charts that follow
Curriculum assessments	Scores \geq 80%	Scores \leq 70%
Grades	A / B or 'meets / exceeds' expectations	D / E or 'does not meet' expectations
Teacher report	Based upon professional judgment of teacher in comparing student to others in classroom.	Based upon 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 the academic content.
Observations/Interviews/Scales - Functional	Student demonstrates typical functional skills in comparison to other students the same age or in the same grade. Percentile rank on scale \geq 30.	Most of the student's functional skills appear to be well below average in comparison to other students the same age or in the same grade. Percentile rank on scale \leq 9.

Suggested Parameters for Using Standard Scores/Percentile Ranks to Establish an Academic Skill Deficit

Standard Score/Percentile Rank	Classification	Considerations for Interpretation
<p style="text-align: center;">Greater or equal to the 9th percentile (standard score of 80 or above)</p>	<p style="text-align: center;">Not Likely Indicative of an Academic Skill Deficit</p>	<p>Scores in this range are not significantly below average. Teams should consider other possible reasons for poor performance, other than an Academic Skill Deficit</p>
<p style="text-align: center;">4th to the 9th percentile (standard scores between 74 and 79)</p>	<p style="text-align: center;">Possibly Indicative of an Academic Skill Deficit</p>	<p>Scores in this range may be considered significantly below average. When scores fall within this range, teams should increase their consideration of <u>other sources of data</u> to support or refute the presence of an Academic Skill Deficit (e.g. teacher reports, grades, curriculum based measurements, criterion reference measures, state assessments, response to intervention, cognitive assessments, classroom observations, past achievement testing, other environmental factors). Decisions should then be based on the preponderance of that evidence, rather than the exact position of a score within this range.</p>
<p style="text-align: center;">4th percentile or less (standard scores of 73 or below)</p>	<p style="text-align: center;">Likely Indicative of an Academic Skill Deficit</p>	<p>Scores in this range are significantly below average. Barring contradictory data from other sources, these scores should generally be considered indicative of an Academic Skill Deficit.</p>

Suggested guidelines for determining an academic skill deficit and a PSW

- To be considered an area of academic weakness, a student shall have a least **four** weak boxes in a single academic area checked.
- In addition, for initial evaluations, at least one weakness must occur on an individually administered, norm-referenced academic achievement test.
- The use of CBMs is also highly suggested for both initial and reevaluations.
- To be considered an area of academic strength; at least **three** strength boxes should be checked within a single academic area.
- Areas of psychological processing strength and weakness should be written in on the appropriate column on the worksheet. Determination of strengths and weaknesses in these areas is typically based on the recommendations of the PSW model that a school chooses to use.
- Determination can also be based on the guidelines included in the manuals of the measures that are used.

Exclusionary Factors

- MET must determine that its findings are not primarily the result of:
 - visual impairment
 - hearing impairment
 - motor disabilities
 - cognitive impairment
 - emotional impairment
 - autism spectrum disorder
 - environmental, cultural, or economic disadvantage

Assurances

- Student's underachievement is NOT due to lack of appropriate instruction in reading or math
- Student was provided appropriate instruction in regular ed., delivered by HQP
- Disability adversely affects the student's educational performance and requires sp. ed.

English Language Learners

- An English language learner would not be considered disabled unless there is empirical evidence that the core instruction and supplemental interventions are effective for other English language learners with similar exposure to English.
- Additionally, the student's rate of progress and level of performance should be discrepant from both grade-level expectations and English language learners' peer performance.

The background of the slide is a solid, warm brown color. Overlaid on this background are several large, stylized leaf patterns in a slightly lighter shade of brown. The leaves are arranged in a scattered, overlapping manner, creating a subtle, textured effect. The word "SUMMARY" is centered in the middle of the slide.

SUMMARY

Implementation: Step-by-Step process

Step 1:

- Determination of underachievement

Step 2:

- Determination of Response to Interventions or Pattern of Strengths and Weaknesses (or both)

Step 3:

- Rule out lack of appropriate instruction as determining factor

■ Step 4:

- Rule out other factors as primary basis

Step 1: Determination of Underachievement

- Does the student fail to achieve adequately for his age in one or more of the following eight areas:
 - Basic reading skill
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem solving
 - Written expression
 - Oral expression
 - Listening comprehension

Step 2: Determination of Response to Interventions or a Pattern of Strengths and Weaknesses (or Both)

RTI:

Does the student fail to make sufficient progress in achievement considered adequate for his age (or enrolled grade-level standards) when provided with a series of scientific, research-based interventions?

PSW:

Do the results of the student's assessments and evaluations show a pattern of strengths and weaknesses in academic performance, achievement (or both), relative to age, state grade level standards, or intellectual development relevant to the identification of a specific learning disability?

Step 3: Determination of Appropriate Instruction

- Consider progress monitoring data to rule out lack of appropriate instruction as basis for underachievement.
- Appropriate instruction in reading must include explicit and systematic instruction in essential components of reading including:
 - phonemic awareness,
 - phonics,
 - vocabulary development,
 - reading fluency, including oral reading skills, and
 - reading comprehension strategies.

Step 3: Continued

- If the group charged with determining whether a student has an SLD decides that this documentation is not adequate, a decision may be made to delay making a final determination and continue to collect additional information about the student.
- In order to extend the time by which the evaluation will be completed, parents must consent to the time extension.

And... Step 4: Rule out other factors as primary basis for underachievement

- Students whose lack of achievement can be attributed primarily to one of the following factors should not be determined to have an SLD.
 - visual impairment
 - hearing impairment
 - motor disabilities
 - cognitive impairment
 - emotional impairment
 - autism spectrum disorder
 - environmental, cultural, or economic disadvantage

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