



Tuscola Intermediate School District

Guidance: Eligibility Determination for a Specific Learning Disability

Summary Document

One of the most sweeping changes in the Individuals with Disabilities in Education Act (IDEA) 2004 is the fact that States may not require the use of a severe discrepancy between intellectual ability and achievement when determining whether or not a student has a specific learning disability (SLD). In response to this federal mandate, Michigan permits two options for SLD eligibility determination: 1) a student must demonstrate insufficient progress in response to scientific, research-based intervention (often referred to as the Response to Intervention (RtI) option), or 2) the student must exhibit a pattern of strengths and weaknesses (PSW) in performance, achievement, or both, relative to age, State- approved grade level standards, or intellectual development (often referred to as the PSW option).

It is TISD's position that of the two options listed above, RtI represents the best method for determining SLD eligibility. This approach to SLD eligibility is widely supported by research. While use of the RtI process is the default option when the Local Educational Agency (LEA) school culture sufficiently supports the use of RtI as an intervention approach, a SLD determination process based on a pattern of strengths and weaknesses approach will continue under the following conditions:

- When a school does not have the capacity to implement a three-tier intervention process with fidelity.
- In learning disability areas in which the school does not have a three-tier intervention process.
- In grades in which the school does not use a three-tier intervention process.
- The parent requests a special education evaluation and: there is not sufficient existing data to make a determination, and/or the parent will not extend timelines to accommodate recommended implementation of tier interventions and timelines.

It is recommended that districts, in conjunction with their ISD support staff, systematically move towards the implementation of the RtI option.

It is important for the MET to remember that the Response to Intervention (RtI) or Pattern of Strengths and Weaknesses options are only one of five required elements in determining SLD, regardless of whether the RtI or PSW option is chosen. Before evaluating a student using the RtI option, the MET must first determine the presence of inadequate achievement, and second, assure that the student has been exposed to appropriate instruction. These two elements are a required component, but are not sufficient by themselves, when determining SLD eligibility.

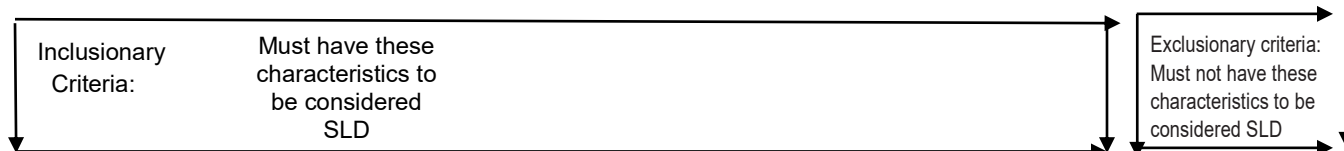
To address the changes in the law this document was developed to provide a brief yet comprehensive overview for determination of a specific learning disability. The following areas will be discussed:

- Inadequate Achievement
- Appropriate Instruction
- Identification of a SLD through a RtI process
- Identification of a SLD through a Pattern of Strengths and Weaknesses
- Need for Special Education
- Exclusionary Factors when determining a SLD

A. Inadequate Achievement + B. Appropriate Instruction + C. SLD Option + D. Need for Special Education + E. Exclusion of Other Factors

Rtl and/or PSW

Inadequate Achievement	Appropriate Instruction	Response to scientific, research-based intervention	Pattern of Strengths and Weaknesses	Need for Special Education	Exclusionary Factors
§ 300.309(a)(1)	§ 300.309(b)	§ 300.309(a)(2)(i)	§ 300.309(a)(ii)	§ 300.08	R340.1713 (1)
The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards: Oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem-solving.	To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider... (1) Data that demonstrate that prior to, or as a part of, the referral process the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.	The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child's response to scientific, research-based intervention; or	The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 300.304 and 300.305;	(a) General. (1) Child with a disability means a child evaluated in accordance with § 300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services.	Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, or emotional impairment, or autism spectrum disorder, or of environmental, cultural, or economic disadvantage.



Evaluation Procedures

The school district must conduct a full and individual initial evaluation before special education or related services can be provided to a student. Parents must be informed before a MET begins a process of evaluation to determine eligibility for special education services.

Evaluations must be completed by an evaluation team including:

- The student's general education teacher, or a general education teacher qualified to teach a student of his or her age, or a teacher qualified by the state educational agency to teach a child of his or her age.
- At least one person qualified to conduct an individual student diagnostic assessment, who has knowledge of the suspected disability, including the school psychologist, and other designated team members as deemed appropriate.

The Evaluation Plan

As part of the initial evaluation process, the MET may consider existing evaluation data. The evaluation should be planned to answer the following questions:

- Is this child a child with a disability?
- What is the present level of academic performance and related developmental needs?
- Does the child need special education and related services?

An evaluation provides the foundation for instruction by establishing the present level of academic performance, acknowledging contextual factors that influence learning, and determining educational need. The MET must use a variety of tools and strategies, consider multiple measures for decision-making, and use technically sound tools.

Observation

Observation is an essential component of data collection and problem-solving in determining the presence of a SLD. This observation could take place prior to or during the evaluation and be conducted by someone from the MET team. Considerations should be made to area of difficulty, environment, and relevant behavior that may impact learning and instruction. It is important to note informal or anecdotal recordings that address referral questions, instructional practice, and instructional fidelity. Such information may help document that appropriate instruction was provided and will assist in recommending instructional changes.

Assessment Selection

The MET should consider the following in making choices regarding assessment tools:

- The best way to assess an academic problem is to directly measure that academic problem.
- The MET's shared understanding of common assessments will improve SLD decision-making.
- Using a variety of assessment procedures covering many domains will ensure that data collected will functionally describe the student and their needs.

Re-Evaluation

As part of the re-evaluation process, the MET may consider existing evaluation data. The re-evaluation should be planned to answer the following questions:

- What is the present level of academic performance and related developmental needs?
- Does this child continue to exhibit a disability?
- Does the child continue to need special education and related services?
- Are any additions or modifications to the special education and related services needed to enable the child to meet the measurable annual goals set out in his IEP and participate, as appropriate, in the general education curriculum?

Following the REED document helps the IEP team make key decisions and eliminate the need for any unnecessary evaluation. The REED process provides guidance when determining if there is sufficient

data given existing resources or if new information is needed to answer the above questions. ***The routine of completing full and individual evaluations of students with SLD to re-determine eligibility is largely unnecessary and unwarranted***, unless there is a question about whether or not the student continues to have a disability, or to determine if a change in eligibility is necessary. It is presumed that the initial eligibility process was valid and that the disability remains unless there are data that indicate otherwise.

Determining Inadequate Achievement

Establishing that a student demonstrates inadequate achievement is the first of five required components for specific learning disability (SLD) determination. MDE rules indicate there must be evidence that the student is not achieving adequately for his age and/or is not meeting State- approved grade-level standards in one or more of eight possible areas when provided with appropriate learning experiences and instruction: oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematics calculation or mathematics reasoning. Documentation of inadequate achievement is a requirement regardless of the SLD option selected (Rtl or PSW). The MET will determine which SLD option to use based on their district's policy and procedures (default to TISD Rtl guidelines)

Evidence of Inadequate Achievement

TISD recommends that multiple measures are used when determining inadequate achievement, including at least one standardized assessment that is reliable and valid. Possible assessment categories and performance criteria are described in the chart on page 15 regarding determination of Patterns of Strengths and Weaknesses.

Appropriate Instruction

Research indicates that poor instruction is a known cause of low achievement. Appropriate instruction, therefore, is especially relevant to the identification of students suspected of having a specific learning disability. SLD eligibility is contingent upon the district's provision of appropriate instruction and documentation of the student's response over time with data. The USDOE commentary on the Final Regulations for the IDEA 2004 concluded that "Children should not be identified as having a disability before concluding that their performance deficits are not the result of lack of appropriate instruction" (71 Fed. Reg. at 46656). To meet the IDEA Federal Regulations, all SLD evaluations must consider and document the following:

1. Data that demonstrate that prior to, or as part of the referral process, the child was provided with appropriate instruction in regular education settings, delivered by qualified personnel.
 - **Teacher Qualifications:**
 - The teachers meet the Elementary and Secondary Education Act (ESEA) requirements for "highly qualified" standards.
 - **Curriculum**
 - The district curriculum is aligned to state standards, with defined scope and sequence
 - Curriculum resource materials show adequate coverage of the essential areas of *reading* and *mathematics* instruction.
 - *Reading:* Scientifically-based reading programs include the essential components of reading instruction as defined in the No Child Left Behind Act of 2001, Sec. 1208 (U.S. Department of Education, 2002): Phonemic awareness, phonics, reading fluency including oral reading skills, vocabulary development, and reading comprehension strategies.
 - *Math:* Scientifically- based mathematics programs include the essential components of mathematics instruction: Conceptual understanding, Procedural

fluency, Strategic competence, Adaptive reasoning, Productive disposition as recommended in, Adding it Up by the National Research Council and the National Math Panel (2008).

- **Instruction**
 - The teacher demonstrates explicit and systematic instruction meeting ESEA standards.
 - Instructional delivery meets the needs of diverse learners (time, grouping, content, materials, and delivery).
 - Data based decision making should drive the delivery of instructional/behavioral interventions
 - **Effectiveness**
 - When determining if a student has been provided with appropriate instruction, student performance data at the school, grade level, or classroom could be used to demonstrate overall curricular and instructional effectiveness.
 - A good rule of thumb for concluding if the instruction has been effective is determining whether 80% or more of the students have responded positively to the instruction or intervention (e.g., 80% of students are meeting state or district standards on CBM universal screening (formative) or outcome assessments, such as MEAP or NWEA).
 - There is not sufficient evidence of appropriate instruction if less than 70% of students are meeting state or district standards.
 - It would then be necessary to collect additional evidence through a more careful consideration of other indicators of appropriate instruction (see *indicators of appropriate instruction worksheet*).
 - **Student Participation**
 - The student attended at least 85% of the school days scheduled.
 - There is a pervasive history of attendance difficulties, frequent school changes, or interruptions in school attendance
 - **Reporting to Parents**
 - The parents were notified of the school's concern about the student.
2. Data-based documentation of repeated assessments of achievement at **reasonable intervals**, reflecting a **formal** assessment of student progress **during** instructional phase, which was provided to the child's parents.
- **Reasonable intervals** are at least as frequent as a report card marking. The state assessment does not occur at a frequency that would meet the reasonable intervals requirement (Heinzelman, LaPointe, & VanderPloeg, 2008).
 - **Formal** reflects standardized assessments that are reliable and valid. Classroom tools, such as running records, unit tests, or work samples scored with a rubric, are less defensible as the sole source of data because they do not generally have established reliability and validity.
 - **During** reflects formative and not just summative assessments.

The use of benchmark and progress monitoring tools like Curriculum-Based Measurement (CBM) meet all three requirements. The gold standard is having universal screening data on all students collected at multiple times during the school year. For students involved in interventions, progress monitoring data should be aligned with each specific reading or mathematics instructional goal and collected every two weeks.

**Please refer to Appendix A-1 (Attached) Indicators of Appropriate Instruction Document for more detailed information and guidance in determining appropriate instruction.*

Evaluating Response to Scientific, Research-Based Interventions

The Big Ideas of Response to Intervention (RtI)

RtI is a framework that focuses on improving instruction and results for both general education and special education programs and services.

The Michigan Department of Education (MDE, October 2010) defines RtI as “an integrated, multi-tiered system of instruction, assessment and intervention designed to meet the achievement and behavioral needs of all students.” The MDE essential components of the Michigan RtI Framework include:

1. Implementation of effective instruction for all children.
2. Intervening early.
3. Providing a multi-tiered model of instruction and intervention.
4. Utilizing a collaborative problem-solving model.
5. Assuring a research-based core curriculum.
6. Implementing of research-based, scientifically validated interventions/instruction.
7. Monitoring student progress to inform instruction.
8. Using data to make instructional decisions.
9. Using assessments for three purposes (universal screening, diagnostic, and progress monitoring).
10. Implementing with fidelity.
11. Engaging both parents and community.

The goal of RtI is to improve the learning outcomes for all students, and to reduce the risk of long-term negative learning outcomes for those identified as “at-risk” by providing early and appropriate intervention services. Data-based decision making is the essence of good RtI practice. In RtI, a school-wide, multi-level prevention system is implemented in order to meet the needs of all learners. At least three tiers of instructional support with increasing levels of intensity are provided. Decisions regarding student movement between levels and instructional adjustments within levels are made based on the evaluation of screening and progress monitoring data. The three levels of support may be described as follows:

- **Level (Tier) One:** Primary prevention via high quality (research-based) core instruction that meets the needs of most students. Universal screening for all students.
- **Level (Tier) Two:** Secondary prevention via supplemental, evidence-based interventions of moderate intensity that addresses the learning challenges of most at-risk students. More frequent progress monitoring. Interventions should occur for at least 30 minutes 3 to 5 times a week.
- **Level (Tier) Three:** Tertiary prevention via intensive, evidence-based interventions that are both individualized and of increased intensity for students who show minimal response to secondary prevention. Frequent progress monitoring. Interventions should occur for at least 60 minutes, 5 days a week.

It should be noted that the addition of supplemental instruction means just that; it is not intended to replace or subtract from time in core instruction. **It is not sufficient for a student to receive a single, generic intervention, and then to conclude that his/her poor response reflects the presence of a disability.**

Within an RtI framework, there is a conceptual shift from the idea of unexpected underachievement based on the student’s ability and subsequent achievement, to an intractable and persistent inability to master an academic skill.

RtI data provides information about a student’s response to curriculum, instruction, and targeted interventions over time, in contrast to a single snapshot evaluation opportunity. The purpose of collecting frequent progress monitoring data is to conduct systematic data-based reviews, and make needed instructional adjustments embedded in a structured problem-solving model. These instructional adjustments ensure that the type, intensity, and nature of the intervention strategies are matched to individual student needs.

It is important for the MET to remember that the Response to Intervention (RtI) option is only one of five required elements in determining SLD. Using RtI as a method of SLD eligibility determination is a by-product of a multi-tier system. **RtI itself does not diagnose specific learning disabilities.**

Steps in Determining Response to Scientific, Research-Based Intervention

This section outlines the steps used when the MET is reviewing all relevant assessment data (which might include previously existing data) and organizing the data into a summary for analysis

Step 1. Parent Notification

The school must notify the parent via an individual, written communication when a student receives additional instruction beyond what a typical general education student receives. That is, when the team makes decisions for the student to receive Tier Two or Tier Three interventions in addition to core instruction (Tier One). The communication should specify who is providing the intervention, the schedule, all targeted skills, the goal of the intervention, and the time frame. The communication should include the amount and nature of student performance data (progress monitoring) that will be collected, and the general education services that will be provided to the student. It should also include information about the strategies used for increasing the student's rate of learning, including instructional delivery methods and materials utilized. An instructional plan with progress graphs can help the team organize the data necessary to share with parents. A parent must be informed of their right to request an evaluation at any time.

Many practitioners confuse efforts to notify parents of universal screening with the requirement to obtain consent for special education evaluation. The IDEA Federal Regulations have attempted to clarify this issue. Universal screening for RtI purposes and individual screening for appropriate instructional strategies are not considered an evaluation that should trigger the IDEA procedural safeguards, and subsequently necessitate the provision of informed consent.

Step 2. Intervention Characteristics

In considering a student's response to interventions for eligibility determination, interventions are required to be scientifically-based. Schools and teachers are obligated to gather evidence that the materials and instructional delivery systems are effective. Scientifically-based research, according to the ESEA, is research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs (section 9101 (37) of ESEA). The following are the criteria used to evaluate instruction or an intervention from the ESEA, also known as No Child Left Behind (NCLB):

1. Employs systematic, empirical methods that draw on observation or experiment;
2. Involves rigorous data analyses that are adequate to test the stated hypothesis and justify the general conclusions drawn;
3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments or other designs, to the extent that those designs contain within-condition or across-condition controls;
5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Resources for scientific, research-based interventions include What Works Clearinghouse (<http://ies.ed.gov/ncee/wwc/>), the Florida Center for Reading Research (www.FCRR.org), Institute for Education Sciences Practice Guide *Assisting Students Struggling With Mathematics: Response to Intervention (RtI) for Elementary and Middle Schools* for elements relevant to math interventions (Gersten, et al., 2009), Intensiveintervention.org (National Center on Intensive Interventions), and Best Evidence Encyclopedia: bestevidence.org.

Step 3. Student Has a Measurable Goal

The student receiving the intervention must have a goal at a specified level of difficulty with measurable criteria, and a timeframe within which to accomplish it. The goal must be written explicitly, with the intent of accelerating progress to reduce the gap between the student's actual performance and the expected performance. Goals should have a benchmark or a standard for comparison.

If appropriate, the first step in setting a goal is to conduct a Survey Level Assessment (SLA) for struggling students (i.e. Acadience, DIBELS, AIMSweb, etc.):

- During an SLA, students are tested on successive levels of a CBM, beginning with their current grade level, until their instructional level is reached. This is defined as being within the average range (>25th percentile).
- For students who are significantly below grade level expectations, (defined as more than 2 grade levels below) it is recommended that the student be monitored with probes at their instructional level (which may not be at their grade level).

Goals should be set using the student's baseline performance. Schools may use one of the following recommended strategies:

- Norm-Referenced Method: Set the student's goal for the Tier 1 (green) or Tier 2 (yellow) end of the year grade level benchmark depending on how far behind they are (based on Survey Level Assessment data).
- Rate of Improvement Method: Set the student's goal using published rates of improvements (example ROI chart attached at the end of this document). Rate of improvement is described algebraically as the slope of a line that represents student progress over time (please refer to step 9 for more detailed information). It is important to note that growth rate, baseline score and goal must all be at the same grade level.
 - First, multiply the rate of improvement by the number of weeks the student's progress will be monitored, which will provide the expected gain score.
 - Next, add that number to the student's baseline score on the grade level material used to monitor to determine the final goal (e.g., 1.5 (growth rate) x 36 weeks = 54 wrc; 54 + 48 (score on baseline assessment) = 92; the student's goal is 92).

The terms realistic and ambitious can be confusing when setting goals. Since grade level expectations and standards are based on the growth of typical students, ambitious goals are necessary for students who receive intervention services so as to accelerate the targeted student's growth. This is based on the premise that students who receive targeted, supplemental interventions progress at a faster rate than their average peers who are not receiving supplemental interventions. This is the only way to ultimately help struggling learners to "catch up" and close the gap between themselves and typically performing students and grade level benchmarks/expectations. Therefore, this TISD SLD Guidance Summary document suggests that the team set "ambitious but realistic" goals, which means that goals are set using rates of improvement that are ~50% above the rate expected of the typical student (or benchmark rate) (Florida Department of Education).

Step 4. Valid and Reliable Progress Monitoring Tools are Used

A cornerstone of using Rtl data for eligibility decisions is using Curriculum Based Measurement (CBM) progress monitoring. CBM tools have a specific set of standards. They have been research-validated as reliable predictors of general achievement in reading, written expression, and mathematics for typically achieving students and students with severe deficits. While a wide variety of tests have been used for progress monitoring, Curriculum Based Measurement progress monitoring tools have specific characteristics that are considered the gold standard for determining student response to instruction because of their unique psychometric characteristics and their ability to predict general academic outcomes (Shinn, 2002). The National Center on Progress Monitoring (NCSPM) has a Technical Review Committee that critiques and rates progress monitoring tools for educational consumers based on seven core standards (National Center of Student Progress Monitoring, 2007):

Foundational Psychometric Standards

Technical Adequacy:

1. Established reliability for the purposes of assessment
2. Established validity for the purposes of the assessment

Progress Monitoring Standards

3. Sufficient number of alternate forms
4. Sensitivity to learning: Scores change when students are learning
5. Evidence of instructional utility: Provides information to help teachers improve their instruction
6. Specification of adequate growth: Tools are able to represent student achievement growth within and across academic years
7. Description of benchmarks for an adequate end-of- year performance or goal-setting process

For students in supplemental Tier Two interventions, it is recommended progress monitoring occurs at least twice per month. For students who are in Tier Three interventions, weekly progress monitoring is considered a minimum. TISD recommends that the frequency of progress monitoring increases as a function of problem intensity and level of intervention.

Progress monitoring with CBM general outcome measures is not tied to any instructional method or approach. It is not a lengthy, high-inference diagnostic evaluation intended to categorize a student, nor is it intended to measure every skill being taught. It is not a single probe or form to be administered repeatedly, haphazardly or randomly. Rather, CBM progress monitoring tools are brief assessment probes with established reliability and validity, available in multiple forms of equivalent difficulty, and administered under standardized conditions, all of which combine to make them useful as indicators of general progress in reading, writing and mathematics. An example of a CBM probe includes Acadience and the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) which require training.

Step 5. Evaluating Data Due to Decision Rules for Increasing or Decreasing Intensity of Intervention

Decision rules for movement within the multi-level tiers as well as decisions about making instructional adjustments should be clearly defined by local districts and published for consistency across schools. School districts that adopt clear definitions of Rtl terms and what construct policies and procedural protocols for Rtl implementation will more likely withstand court challenges (Burns and Ysseldyke, 2005). Decision rules are also used for making decisions, by the local district team, about when the student's response to instruction is sufficient or insufficient, and making decisions about when an adjustment needs to be made. TISD and Michigan's MTSS Technical Assistance Center (MiMTSS, formerly MiBLSi) recommend the following rules for data-based decision making:

Number of Baseline Data Points

- At least three data points, ideally seven or more

Beginning an Intervention Phase

- At least three to four data points before making modifications to the current intervention
- Progress Monitoring Decision Rules
 - If 2 or 3 of the most recent data points fall at or above the aim line, consider raising the goal or fading the intervention

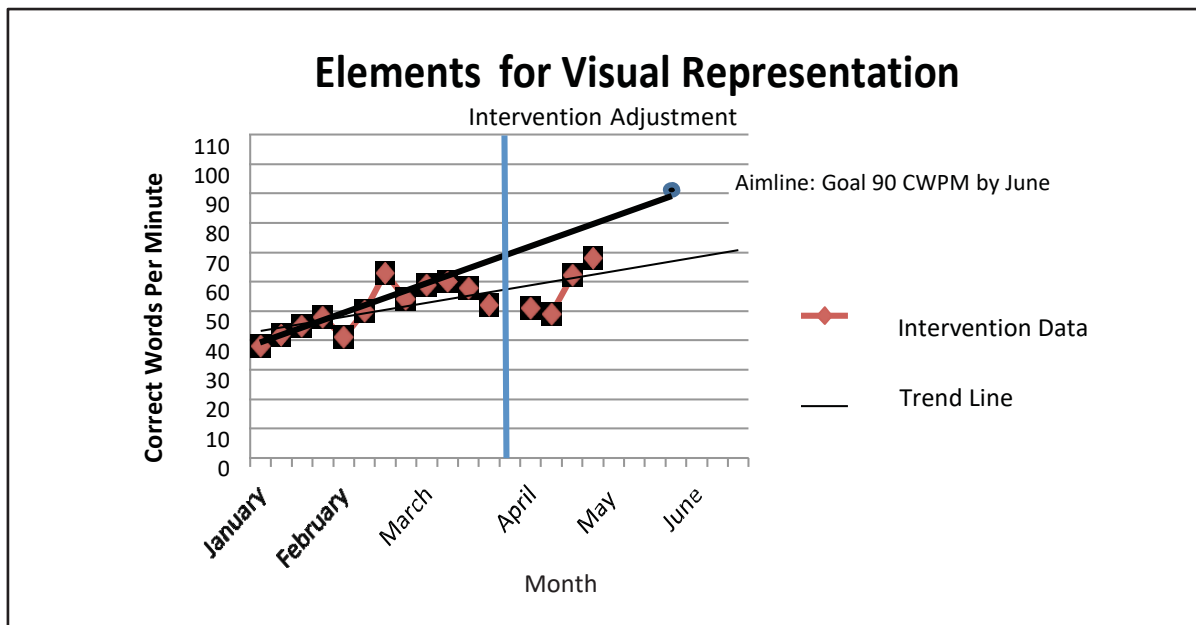
- If 2 or 3 of the most recent data points are on or above the aim line, continue the intervention
- If 2 or 3 of the most recent data points are below the aim line, **modify** the intervention
 - First, **increase fidelity** and collect more progress-monitoring data
 - Then, **increase time** and collect more progress-monitoring data
 - Finally, **decrease the group size** and collect more progress-monitoring data

Step 6. Progress Monitoring Data is Graphed and Visually Displayed

A student's progress monitoring data should be graphed and visually displayed for several reasons. Graphing data provides a method to a) review a student's progress, b) monitor the appropriateness of student goals, c) judge the adequacy of student progress, and d) compare and contrast successful and unsuccessful instructional aspects of a student's program (Fuchs, et al., 2005). Procedures for graphing are the same despite the content area that is being monitored.

Progress monitoring graphs should include the following features:

- Baseline data: data collected prior to any intervention
- Phase line: vertical line indicating an instructional/intervention change was made
- Goal line: identifies the goal
- Aim Line: diagonal line that represents the progress a student needs to make to meet his/her goal
- Intervention Data: data collected after the introduction or modification of an intervention
- Trend Line: line that represents the slope of the intervention data



Step 7. Multiple Intervention Rounds

TISD recommends a minimum of 10 progress monitoring data points be collected, and the current intervention program occur for at least 8 to 12 weeks, before a new intervention program is initiated (i.e., changing from one intervention program to another, or adding an additional tiered intervention, etc.). Whenever interventions are not successful, teams are expected to use a problem-solving process to modify and/ or adjust interventions until a successful intervention is found. In a fully implemented RtI Model, students would typically have multiple rounds of intervention (e.g., two Tier 2 interventions and

one Tier 3) with adjustments made prior to considering eligibility for special education. As a result, there would also be considerable evidence from multiple rounds of intervention regarding the type and intensity of instruction required to facilitate learning. However, extreme discrepancies in achievement and rate of progress may necessitate more rapid movement through the tiers and might require implementation of intensive interventions over a shorter period of time with more frequent progress monitoring and targeted diagnostic assessments.

Step 8. Interventions are delivered with integrity and at a sufficient level of intensity

A plan for how a building gathers and documents both procedural fidelity and treatment integrity puts the school in a position to make defensible decisions about students and enables the MET to use this information for SLD eligibility determination. While some RtI systems have built infrastructure to attend to treatment integrity, this is a priority when using a process based on the student's response to scientific, research based intervention for SLD determination. This TISD SLD Guidance Summary document suggests that the more intensive the instruction, the more direct and frequent the measure of treatment integrity.

A well-developed, documented intervention plan is a basic requirement that assists the team in designing interventions. An intervention plan assists in improving treatment integrity and providing necessary documentation. The intervention plan should clearly specify the date the plan was developed or reviewed, who is responsible for implementation, the intervention steps, where and how often the intervention will occur, who will monitor progress with what tool and how frequently, and who will be responsible for intervention integrity assurance. Gresham (1989) defines treatment integrity as the degree to which an intervention plan is implemented as intended. A review of treatment integrity requires careful consideration of:

- Adherence to intervention procedures,
- Quality of instructional delivery (explicit instruction, etc).
- Program differentiation (specifically tailored to students' needs),
- Exposure (the actual number of sessions, frequency, and duration), and
- Participant responsiveness; instructional delivery includes sufficient motivation for the student

RtI also requires implementation integrity for the series of activities or processes involved in intervention planning, not just the interventions themselves (i.e., the problem-solving process). This is referred to Procedural Fidelity. For RtI to result in meaningful educational decision-making,

- Children in need of intervention must be accurately identified,
 - System level problems must be accurately defined,
 - Interventions must be appropriately selected, sequenced and implemented at each stage and,
 - Decisions must be made that correspond to the data collected
- (Burns, Griffiths, Parson, Tilly, & VanDerHeyden, 2007, p. 153).

To measure treatment integrity, most methods are based upon self-report, permanent products or direct observations of instruction and individual student behavior (i.e. engagement, participation, etc). Direct observation may be considered the gold standard and preferable to the extent feasible.

Step 9. Evaluate the student's Rate of Improvement (ROI) or Slope

To evaluate if the student is making sufficient response, this TISD SLD Guidance Summary document recommends that rate of improvement (ROI) is used to describe a student's response to targeted instruction in Tiers One, Two or Three. ROI can be described algebraically as the slope of a line that represents student progress over time. ROI is always reported in terms of the average gain in the unit of measurement (e.g., correct words per minute – CWPM), per week. ROI can be used to compare the target student's progress with a standard (e.g., benchmark).

How to Determine Rate of Improvement

When determining rate of improvement, the use of the Linear Regression (also referred to as Ordinary Least Squares Method in the literature), is recommended, as it is well researched (Shinn, Good, & Stein,

1989). For more detailed instructions, see Flinn & McCrea (2010) and Kovalski & Flinn (2011). A minimum of 10 data points are required to establish a reliable data trend (Gall & Gall, 2007).

The MET may consider multiple comparisons when adjusting interventions and making decisions with ROI data. The MET can calculate the trend line and use visual displays to make comparisons and evaluate the target student's response to intervention. Once the slope of the trend line (ROI) is calculated from the progress monitoring data for the target student, the student's ROI can be compared to the expected rate of progress.

When comparing a target student's ROI to expected growth rates using national norms, research norms (when available), or local norms (district, grade level or intervention group), the target student's percentage of expected growth rate may be calculated using the following formula:

$$\text{Percentage of Expected Growth Rate} = \frac{\text{Target Student's ROI}}{\text{Expected ROI}} \times 100$$

Once the slope of the trend line is calculated from the progress monitoring data for the target student compare to the expected rate of progress.

- If the student is monitored on grade level, compare to realistic growth rates.
- If the student is monitored off grade level, compare to the ambitious growth rate.
 - If comparing to ambitious growth rate, use the ambitious growth rate from the grade level the student is being monitored with.
 - Ambitious growth is defined as using rates of improvement that are ≈50% above the rate expected of the typical student.

Three types of responses to intervention could be determined by comparing a student's rate of improvement (ROI) to expected growth; the MET needs to consider whether the student demonstrates a positive or questionable response or insufficient progress.

Defining Positive response

The gap between the expected performance and actual performance is closing in response to the intervention or instruction. It is reasonable to expect that given the same resources and intervention, the student will achieve at or near benchmark levels similar to their grade level peers. The intervention may need to be gradually faded, and transfer of skills to the general education setting may need to be evaluated to determine if the student has achieved true functional independence.

Defining Questionable Response

The student is responding to the intervention and the gap between expected and actual performance is no longer widening, but progress is not at an accelerated rate sufficient to close the achievement gap. During scheduled reviews, the RtI team engages in problem-solving to determine what instructional variables need to be adjusted to increase student response. It is rare that a student has no response to targeted intervention; there may be frequent cases, however, where the student's response is questionable. The MET needs to keep in mind that reported ROI vary from one assessment tool to the next; for example, from DIBELS to AIMSweb.

Defining Insufficient Progress

The gap between expected performance and actual performance continues to widen with little change in rate of response to the intervention or instruction. During scheduled reviews, the RtI team engages in problem-solving to determine what instructional variables need to be adjusted to increase student response. Adjustments to the intervention are made and documented, the goal is reviewed, and more intensive interventions are considered and implemented if needed.

Although RtI research continues at a vigorous pace, there is currently no research consensus on how poor the student's rate of improvement needs to be compared to expected rates (peers or standards) in order to meet criteria for insufficient progress but preliminary findings suggest that students with a ROI of 80% or less are in need of supplemental intervention. Suggested growth rate criteria for determining inadequate response to Tier Three individualized, intensive interventions is less than 80% of the expected ROI (Finn & McCrea, 2012).

For example, if the Expected Growth Rate is 2.0 and the target student's ROI is 2.0, then the target student is progressing at 100% of the expected rate; if the target student's ROI was 1.0, then he would only be progressing at 50% of the expected rate.

Although there is currently no research consensus on how poor the student's rate of improvement needs to be compared to expected rates (peers or standards) in order to meet criteria for insufficient progress, research consensus has emerged around the concept of a dual discrepancy. In applying a dual discrepancy approach, to be considered as a student with a SLD, the target student must display both of the following:

1. Severely deficient *performance level* (inadequate achievement), and
2. An inadequate *rate of improvement (ROI)* in response to research-based interventions such that he or she is not likely to meet age or State- approved grade-level standards in a reasonable amount of time without intensive, specially designed instruction.

Pattern of Strengths and Weaknesses

When using the PSW option, the MET must evaluate whether the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual development.

Definition

The PSW option includes several components. There are multiple domains that can be considered when determining a pattern of student strengths and weaknesses: achievement (academic skills), performance (classroom performance), intellectual development, and language development.

Achievement refers to test results from valid and reliable academic skill measures. Examples might include:

- Norm-Referenced achievement test (e.g., WJ, WIAT, KTEA)
- Curriculum-Based Measurement (e.g., Acadience, DIBELS, AIMSweb)
- Criterion-Referenced Assessment (e.g., Qualitative Reading Inventory)
- State Assessments

Performance refers to student performance in the classroom as documented by:

- Tests, quizzes, classroom assignments, or academic work products
- Grades (formal grading procedures reflected on a report card)
- Teacher anecdotal evidence

Intellectual development refers to the student's cognitive skills, as assessed by cognitive ability tests.

It is important to note, in accordance with IDEA 2004, the IDEA Federal Regulations released in 2006 that guide implementation of the IDEA 2004, the Michigan Administrative Rules for Special Education (MARSE), and the MDE SLD Criteria, there is no requirement for either intellectual assessment (IQ) or cognitive processing assessments in the identification of a SLD.

Language development refers to the student's language skills, as assessed by language tests.

Regardless of the process the MET chooses, IDEA Federal Regulations require that SLD determinations, from a practical standpoint, always have at least one academic achievement measure (based on the inadequate achievement requirement) and at least one performance measure (based on the observation requirement).

Applying the Pattern of Strengths and Weaknesses Option

The language in § 300.309(a)(2)(ii) allows the MET to make several comparisons about the student's academic skills and/or classroom performance in relation to the student's age, grade-level standards, or intellectual development. When applying the pattern of strengths and weaknesses option, there are two parts.

1. The student must demonstrate inadequate achievement. The MET looks for the convergence of multiple data sources to identify inadequate achievement in the area of a suspected SLD.
2. The student must exhibit a pattern of strengths and weaknesses.

To determine strengths and weaknesses use the guidelines described in Appendix B.

TISD defines a 'pattern of strengths and weaknesses' as a student exhibiting at least three strengths in an academic area as well as three weaknesses in an academic area to be considered eligible for special education services. An intellectual or language assessment may also be used to indicate an area of strength.

Need for Special Education

The MET must demonstrate that the student's instructional needs are significantly different than general education peers, and that the student requires instruction of an intensity or type that cannot reasonably be provided or sustained in general education. The MET needs to consider two factors when determining whether a student should be eligible to receive special education services:

- The severity of the learning problem as measured by the gap between the expected standard and the actual student performance and,
- How rare or uncommon the academic deficit is. For example, if 30% of the students in the grade level have the same learning problems, the student may have a shared academic deficit resulting from lack of appropriate instruction rather than a disability.

The MET also needs to consider the type of instruction the student requires to access general education and close the gap between expected and actual student performance. Dimensions of student instructional needs include:

- Intensity of instruction
- Size of group (individualized or small group)
- Amount of time needed weekly for intervention
- Student need for individual feedback, modeling, and scaffolding instruction during practice

Exclusionary Factors

The MET must rule out all factors other than the presence of a specific learning disability (SLD) as the primary cause of the student's inadequate achievement. A student to whom one of these exclusionary factors applies might still be eligible as a student with a SLD, if the exclusionary factor is not the *primary* cause of the student's inadequate achievement. The following is a summary of strategies used when considering exclusionary factors.

Exclusionary Factors		
Domain	Screening	In Depth
Vision or Hearing	School or health screening	Physician's evaluation
Motor Difficulty	Teacher /Physical education Observations	Medical evaluation
Cognitive Impairment	Rate of learning in language, social, adaptive, etc.	Intellectual development assessment, adaptive behavior
Emotional Disturbance	Teacher observations, ratings, parental input, presence of maladaptive behavior	Psychologist and School Social Worker observations, interviews with parents, teachers, etc.
Autism Spectrum Disorder	Teacher observations, ratings, parental input	Multidisciplinary ASD evaluation
Cultural Factors	Individual performance relative to disaggregated performance data for the child's cultural group	Parent interviews, family history
Environmental or Economic Disadvantage	Individual performance relative to disaggregated performance data for the child's sub-group	Parent interviews, family history
Limited English Proficiency	English Language Proficiency Assessment (ELPA) results, Oral language samples, Written language samples, State assessment results, Local district-wide assessment results, Progress monitoring data for response to English language instruction and classroom academic instruction (i.e.: CBM or CBA)	Parent interview, teacher interview, classroom observations, bilingual language assessment (speaking, listening, reading, writing), any additional indicators developed by the district

Determining Eligibility

When determining eligibility, the MET relies upon a full and individual evaluation that gathers and integrates multiple sources of data. The evaluation report should include:

- Whether the student has a specific learning disability, and the basis for making that determination (the determination draws on a variety of sources of information).
- The relevant data from the observation and its relationship to academic functioning.
- The relevant medical findings.
- Whether the student demonstrates inadequate achievement.
- Whether the student demonstrates insufficient progress or a pattern of strengths and weaknesses (Rtl or PSW options).
- Whether the inadequate achievement is primarily the result of exclusionary factors.
- If the student participates in Rtl, there are additional requirements including documentation of the strategies used and the data collected. Documentation that the parents were notified about the State's policies regarding the amount and nature of student performance data that would be

collected and the general education services that would be provided, the strategies for increasing the rate of learning, and the parents' right to request an evaluation.

APPENDIX A---INDICATORS OF APPROPRIATE INSTRUCTION

Area	Indicators (Tier I)	Indicators (in addition to Tier I) Tier 2/Tier 3	Source for Documentation	If information not available, alternatives that may be used to meet requirement
Highly- Qualified Teacher	<ul style="list-style-type: none"> Meets ESEA highly qualify standards Teacher has been trained in curriculum materials 	<ul style="list-style-type: none"> Interventionist is trained appropriately in the delivery of the specific program/strategy 	School principal and public reporting	During the evaluation period, ensure appropriate research-based instruction using qualified personnel in the general education setting to determine how the student learns within a solid general education program.
Scientifically-Based Core Instruction and Effective Instructional Methods Reading and Mathematics	Curriculum: <ul style="list-style-type: none"> District curriculum is aligned to State-approved grade-level standards Contains a well-defined scope and sequence with units of study Reading- All essential areas of instruction are targeted for beginning reading (phonemic awareness, phonics, fluency, vocabulary, comprehension) and adjusted for student need across upper grade levels Mathematics- All essential areas of instruction are targeted (National Math Panel): Conceptual Understanding, Computational Fluency, Problem Solving 	Curriculum: <ul style="list-style-type: none"> The program/strategy is evidence based <ul style="list-style-type: none"> Program/strategy matches skill deficit area 	Review: district curriculum, curriculum review and adoption process, professional development plan to support implementation, lesson plans, documentation from grade level meetings	Document the nature of the instruction (i.e., attendance, group size, instructional focus, response) to inform educational needs of the student
	Instruction: <ul style="list-style-type: none"> Instructional materials are research-based Explicit-Sufficient modeling, guided practice, and independent practice is employed in a variety of grouping formats Systematic- clearly defined, follows a scope and sequence that is logically ordered, students have prior knowledge for new concepts being taught Provides access to curricular content Provides frequent opportunities to respond with corrective feedback from the teacher Differentiated to meet the needs of all learners (time, content, grouping, materials, instructional delivery, instructional match) Sufficient time allocated to meet goals (Reading: 90 min K-5; less for Half-Day K or secondary grades. Mathematics: 60-90 K-5, could be distributed for early elementary grades. Active student engagement in learning Positive Behavior Classroom Management systems are evident and utilized 	Instruction: <ul style="list-style-type: none"> Fidelity of program/strategy is maintained and monitored Group size matches program design and student needs (i.e. more intense need=fewer students) Tier 2 intervention is 30 minutes per program recommendations in additional to the core Tier 3 intervention is 60 minutes per program recommendations in addition to the core 	Interview: teachers, curriculum specialist, principal, interventionists working with student Observe: the student in the instructional environment measuring active engagement and response to curriculum materials and tasks, use classroom walk-throughs or treatment integrity checklists	Implement progress monitoring with weekly data collection
	Assessment (Effectiveness): <ul style="list-style-type: none"> Assessments are used for a variety of purposes, including formative and summative assessments Assessments are administered and analyzed at reasonable intervals to determine student's instructional level and document progress (at least 3x per year) If at least 80% of students are NOT meeting state or district standards on universal screening (formative) and/or outcome (summative) assessments, consider reviewing core program Universal screening/CBM benchmark (formative) data on all students collected multiple times during the school year Progress monitoring and diagnostic (formative) data collected for individuals or groups of students at regular 	Assessment (Effectiveness): <ul style="list-style-type: none"> Fidelity of interventionist is assessed by knowledgeable individual Instructional decision making is based on progress monitoring data Progress monitoring is occurring at the student's instructional level Data based decision making rules are established and used to make instructional 	Test: State assessment results, district assessments, CBM benchmark and progress monitoring results, diagnostic assessments	Provide documentation of student progress to parents. Progress Monitoring data is considered by the IEP Team in making the eligibility decision

	intervals <ul style="list-style-type: none"> Evidence of multiple levels of student support (3-tier model) 	adjustments <ul style="list-style-type: none"> Tier 2 should be at least twice monthly (less for math) Tier 3 should be at least weekly (less for math) If 80% of students are NOT moving up from current tier, consider evaluating Tier2/Tier3 practices. 		
Student Participation	<ul style="list-style-type: none"> Attendance is at least 85% of days scheduled Student engagement prioritized through evidence based practices Participation within the classroom is at least 85% of the school day 	<ul style="list-style-type: none"> Attendance in interventions at least 85% of the time 	Review: academic record review including school enrollment history, attendance, grades, office discipline referrals, and responsibility room referrals	
Reporting to Parents	<ul style="list-style-type: none"> Parents were notified of school's concern about student 	<ul style="list-style-type: none"> Regular progress monitoring data sent to parents as often as grade reporting periods 	Review: academic record review including report cards, progress notes, and parent notes	

Table 5.1. *Summary of possible indicators of a student receiving appropriate instruction.*

APPENDIX B

Guidelines for Determining Strengths and Weaknesses

Assessment Type	Strength	Weaknesses
Benchmark Screening/CBM (History/Trend)	At 'benchmark' level or above grade-level median score if using local norms.	At 'at-risk' level or below 10 th percentile if using local norms.
Progress monitoring (Trend)	Meeting/exceeding aimline	Falling below aimline for at least 6 consecutive data points on most recent tests.
Criterion-referenced assessment	Skills at or above grade level	Skills well below grade level
M-STEP (History/Trend)	Level 1 or 2	Level 3 or 4
Norm-referenced tests (Achievement, IQ)	Percentile rank ≥ 25	Percentile rank ≤ 10
Curriculum assessments	Scores $\geq 80\%$	Scores $\leq 70\%$
Grades (History/Trend)	A/B or 'meets/exceeds' expectations	D/E or 'does not meet' expectations
Teacher Report (History)	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 the s/he does not understand the academic content.
Observations/Interview/Scales-Functional	Student demonstrates typical functional skills in comparison to other students the same age or in the same grade. Percentile rank on scale ≥ 25 .	Most of the student's functional skills appear to be well below average in comparison to other students in the same age or in the same grade. Percentile rank on scale ≤ 10 .
These are not intended to be absolute cut points and the convergence of multiple sources of data needs to be considered by the evaluation team. The decision as to what constitutes an academic skill deficit or strength is a complex decision and will require a degree of professional judgment. The decision must be based on valid and reliable data.		
Assessment Type	Examples:	
Benchmark Screening	Acadience, DIBELS, AIMSweb, DRA, STAR, NWEA	
Progress Monitoring	Acadience, DIBELS, AIMSweb Yearly Progress Pro, EdCheckup	
Criterion referenced assessments	Brigance	
Norm-referenced achievement tests	WRMT-, Key Math, KTEA, PIAT, WIAT, WJ, DAB, OWLS, GORT, TERA, TEMA, TOWL, TOLD, TOLD, CASL, CELF	
IQ Tests	WISC, WAIS, KABC, KAIT, CTONI, KBIT, WASI	
Curriculum assessments aligned with CE's and classroom instruction	District Assessments, Classroom assessments	

Worksheet for Charting Strengths and Weaknesses								
Criteria: Data Demonstrating Pattern(s) of Strengths and Weaknesses in Performance, Achievement or both Relative to Age/State Approved Grade-level Standards or Intellectual Development								
<i>In each box below, indicate: S = Strength W = Weakness</i>	Academic Achievement with respect to grade-level expectations			Academic Achievement with respect to age-level expectations	Classroom performance with respect to grade-level expectations			
Areas of Academic Achievement	Benchmark	Progress Monitoring	State Assessment	Norm-referenced achievement test	Curriculum Assessments	Grades	Teacher Report	Classroom Observation
Basic Reading								
Reading Fluency								
Reading Comprehension								
Math Calculation								
Math Problem Solving								
Written Expression								
Oral Expression								
Listening Comprehension								

Suggested Guidelines for Determining Strengths and Weaknesses:

Pattern of Strengths (at least 3 "S" in a given skill area):

Pattern of Weaknesses (at least 4 "W" in a given skill area, including at least 1 individually administered academic achievement assessment):

Other Areas of Strengths & Weaknesses	<i>Indicate: S = Strength W = Weakness</i>
Overall Cognitive Ability	
VCI/VIQ	
PRI / PIQ	
WMI	
PSI	
Adaptive Behavior	

