



Ingham Intermediate
School District

Student Support Services

Specific Learning Disabilities Guidelines

A Technical Guide for Determining the Eligibility of Students with Specific Learning Disabilities

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The SLD Guidelines document was adapted from Wisconsin's Specific Learning Disabilities (SLD) Rule, Updated December 2013

We thank the Wisconsin Department of Public Instruction for permission to utilize the contents of their document as a source for this document:

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Due to ever-evolving advances in research and learning, this document is considered a working document. Any updates will be posted on the Ingham ISD website (<http://www.inghamisd.org>).

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Foreword

“Every child must graduate ready for further education and the workforce. We must align our efforts so all our students are prepared to succeed in college or a career.”

In September 2010, Ingham ISD, in collaboration with school psychologists across the county, presented the document “Specific Learning Disabilities Evaluation and Eligibility Guidelines.” This document was revised in March 2011 and was meant to be a living document to be revised as necessary. The 2010 guidelines shifted eligibility from an IQ-achievement discrepancy model to a pattern of strengths and weaknesses (PSW) model to determine eligibility of a specific learning disability (SLD). With the advances of research and practices in the field, we have learned the following:

1. 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.
2. The current PSW model is not supported by experts in the field. Psychometric issues with discrepancy scores of any kind are well known, especially the use of rigid cut points, profile interpretations, different scores, etc. In fact, the state of Florida, which is considered a leader in the Multi-tiered System of Supports (MTSS), prohibits its use.
3. During a presentation at the recent MAASE conference, Dr. Stevan Kukic, Director of School Transformation with NCLD, encouraged districts to move to a response to intervention (RTI) model for determining SLD eligibility.

The revision of the SLD guidelines began during the 2013–2014 school year. In the summer of 2014, after much research, we determined that we would use as our template the State of Wisconsin Guidelines, which utilizes the RTI model for SLD identification. The team has been revising these guidelines to align with Michigan laws and language.

While there is significant support from psychologists and researchers for this shift, there will be (and currently are) concerns from some school psychologists and local special education directors about having systems in place for implementing these new guidelines. In reality, there were challenges even with the PSW model and the IQ-achievement discrepancy model. We know in advance that Ingham ISD will need to present supports to schools to help ensure core “appropriate instruction” is being provided at all levels and that scientific, evidence-based intervention is occurring prior to special education. The use of MTSS/RTI for determining eligibility yields better results for our students, results in more efficient use of resources, and is supported by research, which will increasingly focus on MTSS and RTI efforts.

Ingham ISD is developing a strategic plan to support this work. Ingham is committed to working with both general and special education staff to improve our MTSS system and SLD identification model for both short- and long-term needs.

This change is happening throughout the country, and districts in Ingham ISD are well positioned to embark on this endeavor. Over the past 7 years, the districts in Ingham ISD have become leaders statewide (and nationally) in MTSS implementation. Due to this hard work and collaboration, we celebrate significant improvements in student achievement. Our countywide focus on building an MTSS

system has also provided us with effective new opportunities for data-based decision making that will improve our ability to meet the needs of all kids.

For further information about national recommendations, visit the RTI Action Network website (<http://www.rtinetwork.org/getstarted/sld-identification-toolkit>).

Anyone seeking additional information is welcome to contact any of the committee members listed above

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Chapter 1: Overview of Ingham ISD's Specific Learning Disabilities Eligibility Guidelines

Chapter 1 provides an introduction to the Ingham Intermediate School District (IISD) guideline for determining specific learning disability (SLD) eligibility. This introduction will provide the context for identifying SLD eligibility using student response to intervention within a multi-tiered system of supports (MTSS). The response to intervention (RTI) model discussed in this guideline will provide a guide for identifying students eligible for SLD using criteria that documents insufficient progress, inadequate achievement, and need for specially designed instruction.

Chapter Contents

- Setting the Stage for Changes to the SLD Guidelines
- Definition of Specific Learning Disability
- Eight Achievement Areas of Specific Learning Disability
- Outline of the SLD Criteria
- SLD Evaluation Activities and Data Sources
- Applying the Guidelines: Ideas for MET/IEP Team Discussion

Setting the Stage for Changes to the SLD Guidelines

In 2010, the Michigan Department of Education (MDE) required that each local district make public its use of a state-approved methodology for the determination of an SLD. The “Michigan Criteria for Determining the Existence of a Specific Learning Disability” (or MDE SLD Criteria; Michigan Department of Education, 2010) outlines the various options districts may select in order to determine the presence of an SLD. The school districts in Ingham County took an unprecedented step when they collectively agreed to use funds received from the 2009 American Recovery and Reinvestment Act (ARRA) to develop a framework for the implementation of an MTSS, formerly known as RTI. As a result, beginning in the fall of 2010, all school districts in Ingham County began to use RTI within an MTSS framework and/or an analysis of academic pattern of strengths and weakness (PSW) to evaluate for special education eligibility.

Since that time, the districts have embarked on their journey to adopt the basic components of a student's response to evidence-based intervention. In the process, districts have encountered a variety of new questions and concerns that reflect their developmental status. The purpose of this document is to provide Ingham County school districts with a best-practice guide for determining SLD eligibility and making decisions for entitlement for special education services. This guideline provides an overview of the evaluation procedures and decision rules to determine an SLD, which is consistent with federal and state mandates.

Beginning on September 1, 2015, all evaluations of students to determine SLD eligibility must be completed using an MTSS/RTI model. PSW and IQ-achievement discrepancy models are no longer acceptable means for determining SLD eligibility.

Definition of Specific Learning Disability

The definition of “Specific Learning Disability” in Michigan’s rule is similar to the federal definition. The Michigan Administrative Rules for Special Education (MARSE) 2012 regulations define SLD as follows:

“Specific learning disability” means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage. (MARSE 2012 R 340.1713)

This general definition of SLD has been part of federal special education regulation and is mirrored in the Individuals with Disabilities Education Act (IDEA) administrative rule. The definition is not used to make eligibility decisions. Rather, the criteria and other evaluation requirements described in the rule put into operation the definition. Local educational agencies (LEAs) use the criteria in the rule to determine if a student is eligible to be served in a program for students with SLD. The diagnostic labels listed in the general definition include those historically used to describe conditions similar to the educational definition of SLD. Students with non-educational diagnoses, such as those listed in the definition, may be considered for eligibility under IDEA, but must meet Michigan eligibility criteria for the “impairment” of SLD (or another impairment). Additionally, they must demonstrate a “need for special education” as a result of that impairment prior to being identified as a student with a disability.

A student needs to meet initial criteria in only one of eight areas to establish the eligibility for SLD. If the individualized education program (IEP) team finds that the student meets the eligibility criteria for the impairment of SLD, it still must consider whether the student has a need for specially designed instruction before determining the student is a child with a disability.

Eight Achievement Areas of Specific Learning Disability

The IEP team identifies the area(s) of concern during the review of existing data. These areas are listed but not specifically defined in state or federal law. The following provide generally accepted definitions of the eight areas of achievement:

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. 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 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.

See Appendix A for federal and state regulations for SLD eligibility.

Outline of the SLD Criteria

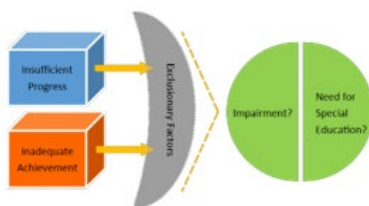
Every IEP team must answer two general questions when conducting any special education evaluation:

- Does the student meet eligibility criteria?
- Does the student require special education to address the needs resulting from the impairment?

The multidisciplinary evaluation team (MET)/IEP team must answer these questions by determining whether students have inadequate achievement and have made insufficient progress while providing evidence that these determinations were not impacted by exclusionary factors. These criteria will be explained in much greater detail in Chapter 3.

The graphic emphasizes:

- Exclusionary factors are the lens through which the other criteria (inadequate achievement and insufficient progress) are considered.
- Each of the components is weighted equally.
- The “need for special education” is central to making an eligibility determination.



Exclusionary Factors

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

- Other impairments (visual, hearing, motor, cognitive, emotional)
- Environmental, cultural, or economic factors
- Limited English proficiency
- Lack of appropriate instruction in any of the eight areas of achievement being considered

Inadequate Achievement

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

Insufficient Progress

A student is determined to have made insufficient progress when that student has documented insufficient response to intensive, scientific, research-based or evidence-based intervention.

Required Observation

The public agency must ensure that the child is observed in the child’s learning environment (including the regular classroom setting) to document the child’s academic performance and behavior in the area(s) of difficulty. In determining whether a child has an SLD, the group described in 34 CFR 300.306(a)(1) must decide to:

- Use information from an observation in routine classroom instruction and monitoring of the child’s performance that was done before the child was referred for an evaluation; or
- Have at least one member of the group described in 34 CFR 300.306(a)(1) conduct an observation of the child’s academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with 34 CFR 300.300(a), has been obtained.

SLD Evaluation Activities and Data Sources

The SLD Guidelines require MET/IEP teams to complete certain activities when conducting evaluations for SLD eligibility, including a review of formal and informal assessment data and observations. All initial evaluations and re-evaluations must be sufficiently comprehensive to identify the student’s special education and related service needs. For all initial evaluations, MET/IEP teams must base eligibility decisions on information gained through a full and individual evaluation using both formal and informal data about the student’s academic achievement and learning behavior. Sources of formal data may include:

- Standardized achievement tests
- Individually administered norm-referenced tests
- Assessments linked to age or state-approved grade-level standards
- Progress-monitoring data from intensive interventions

- Screening measures
- Data from systematic error analysis
- Criterion-referenced measures
- Curriculum-based assessments
- Observations
- Other appropriate assessment data Sources of informal data may include:
- Formative assessments of student performance during classroom instruction
- Student work products
- Analysis of classroom expectations and curriculum
- Interview data
- Anecdotal notes
- Information from unstructured or general observations

An observation during routine classroom instruction in the area of concern being evaluated is always required for an initial evaluation or re-evaluation for SLD. MET/IEP teams may use data from observations made prior to a referral if the observations meet the standards in the guidelines.

SLD Documentation Requirements

After MET/IEP teams compile all assessment and other evaluation data, they meet to review the data and make an eligibility determination. During an SLD evaluation, MET/IEP teams are required to consider and document the following questions:

- Has the student been provided with learning experiences and instruction appropriate for his or her age or state-approved grade-level standards in the general education setting?
- Does a significant gap exist between the student's current level of performance and age or state-approved grade-level standards?
- Has the student made sufficient or insufficient progress (rate of improvement) based on his or her response to intensive evidence-based intervention?
- Has the student demonstrated inadequate achievement (gap between student and peer group) after intensive intervention?
- What relevant behavior was observed during the required observations, and what is the relationship of the observed behavior to academic functioning?
- Have all exclusionary factors been considered, and is any exclusionary factor the primary reason for the inadequate achievement or insufficient progress?
- Are there educationally relevant medical findings?
- Does the student require specially designed instruction?

Applying the Guidelines: Ideas for Team Discussion

Throughout this guide, questions are provided for MET/IEP teams to consider when applying specific requirements of the SLD guidelines to the determination of eligibility for SLD. These questions can help teams to focus discussion and analysis of data on essential features of the guidelines. The following are general questions related to applying the guidelines for initial SLD evaluations:

- Have MET/IEP teams considered all three criteria (exclusionary factors, inadequate achievement, and insufficient progress) to meet eligibility requirements for SLD and determined whether each of the three criteria has been met?
- Have MET/IEP teams collected and analyzed all data relevant to the eligibility determination from observations and formal and informal data sources?
- Have MET/IEP teams addressed all the documentation requirements specified in the guidelines?

There does not have to be a one-to-one correspondence between the goals and services in the student's IEP and the specific area(s) of SLD concern in which the student met initial criteria. Data reviewed by the team may indicate a need for specialized instruction outside of the SLD area of eligibility.

Chapter 2: The Special Education Evaluation Process

Chapter 2 outlines the general process used for special education evaluations with details specific to evaluations to determine SLD eligibility. The purpose of this section is to summarize the activities that MET/IEP teams undertake when completing an initial evaluation or re-evaluation to determine whether there is an impairment of SLD and a need for special education.

Chapter Contents

- Problem-Solving Model
- Review of Existing Evaluation Data (REED)
- Observations and Other Relevant Data

Problem-Solving Model

Problem solving is a process that includes a systematic analysis of a student's behavior or academic difficulties in order to develop and implement systematic instruction and interventions on student growth, as well as evaluate the impact of that instruction/intervention. Typically, the model is composed of four steps that ask the following critical questions:

- What do we want the student to know and be able to do?
- Why is the student not doing that?
- What are we going to do about it?
- Did it work?

The problem-solving approach focuses on how to develop instruction and interventions to overcome the difficulties a learner is experiencing and to increase the possibility that the student will attain state-approved age or state-approved grade-level standards. This is an inclusive, collaborative process in which information is collected from teachers, parents, and others who best know the child. This information is used to determine the child's needs (i.e., define the gap between performance and standards) and how best to assist the student. Student progress is measured frequently to determine if the instruction/intervention is working or whether additional adjustments must be made. The frequent monitoring of progress enables educators to determine whether the instruction/intervention is working before too much time is lost.

For a comprehensive guide on implementing the MTSS problem-solving process, see the Ingham ISD **Problem Solving Meeting: Facilitator's Guide (2012)**. If there is not a functioning problem-solving team at a building, it is imperative that the school district begin this process right away. In the meantime, the REED team needs to make a professional decision regarding an evaluation based on available data and school cumulative records.

The Problem-Solving Process

The purpose of the problem-solving process is to develop, implement, and evaluate instruction and interventions to improve the student's rate of growth. Adequate data must be collected in order to

determine if an evaluation is appropriate. If adequate data is available, the team should document the data collected through the Review of Existing Evaluation Data (REED) form.

The team should answer the following questions when determining if a special education evaluation may be appropriate:

1. Has the student received appropriate instruction in the general education setting?
2. Has the student received evidence-based interventions that are targeted to his or her area(s) of need, in addition to being provided with core instruction?
3. Does the student demonstrate insufficient progress (response to instruction/interventions) and inadequate achievement (achievement scores below the level of the appropriate peer group)?
4. Have appropriate data been collected to assess the student's response to the instruction/interventions, and have those data been shared systematically with the student's parents and/or caretakers?
5. Have data been used to rule out exclusionary factors?

The answers to these questions are critical for ruling out other possible causes for the student's unexpected difficulties with achievement. These questions will be discussed in more detail in the following paragraphs.

1. Has the student received appropriate instruction in the general education setting?

Federal and state SLD criteria require MET/IEP teams to provide evidence that underachievement is not due to lack of appropriate instruction in the eight academic areas. The use of RTI for SLD eligibility requires a focus on student achievement within the context of effective core instruction (age- or grade-level standards), and not on within-child deficits. In an MTSS system, a comprehensive set of data, including universal screening, is available to evaluate the adequacy of core instruction. A review of the number and percentage of students (in a class, grade, or school) performing below the benchmark/target based on age- or grade-level standards should be undertaken. If it is found that large numbers of students have scored below the benchmark/target or have not met proficiency standards on state/district assessments, it may be concluded that there is a class, grade, or school problem with core instruction. In the face of such a finding, the core instruction problem may be addressed before individual students are moved into tier 2 and tier 3 interventions. If, on the other hand, a high percentage of students are performing at or above the benchmark/target and are proficient in state assessments, it may be concluded that there is not a class, grade, or school problem.

It is also possible that a student may not have received appropriate instruction even if he or she has attended a classroom with a high percentage of students at benchmark. The following are common factors that may indicate that the student has not received appropriate instruction when his or her peers demonstrate sufficient achievement:

- The student's records indicate a significant history for absences.
- The student has recently moved into the classroom from another classroom/school whose data indicates that a lower percentage of students are meeting age or state-approved grade-level standards.
- The student evidences behavior that disrupts his or her reception of instruction.

- The student is part of a demographic subgroup, and data indicates that the subgroup has a low percentage of students meeting age or state-approved grade-level standards or who are below benchmark.

2. Has the student received evidence-based interventions that are targeted to his or her area(s) of need, in addition to being provided with core instruction?

Referrals for special education evaluations should be generated from the school’s problem-solving team. The student should be given multiple tiers of intervention support, and data from these interventions must be documented, shared with parents (as per federal regulations), and used to determine special education eligibility. The school should have documentation for students being considered for a special education eligibility referral, including:

- Tier 2 intervention the student received with documentation on how that intervention was appropriately matched to student need
- Progress-monitoring data clearly showing response to instruction/intervention, which is represented in graphical form
- Documentation that interventions, progress-monitoring, and problem-solving information/data was shared with parents
- Data indicating the sufficiency and fidelity of the tier 2 intervention
- Tier 3 intervention the student received with documentation on how that intervention was appropriately matched to student need
- Progress-monitoring data clearly showing response to tier 3 instruction/intervention, which is represented in graphical form, and documentation that these data were shared with parents
- Data indicating the sufficiency and fidelity of the tier 3 intervention

A student may be referred to the MET team to determine special education eligibility after a minimum of **two** evidence-based interventions have been tried, with increasing intensity of interventions in the tier 2 and tier 3 settings. Interventions must be supplemental to core instruction to meet this criterion. The interventions must have been applied for a period long enough to demonstrate valid and reliable response, which is typically 8–10 weeks. The interventions must be implemented by appropriately trained staff with fidelity and must occur before or during the process of a special education referral. Most literature suggests progress monitoring of simple skills should be performed once every week or two, and progress monitoring of complex skills should be performed less frequently. Through progress-monitoring data, a rate of improvement that will close the gap between the student and the student’s peer group should be used to determine insufficient progress. If a school does not have adequate interventions available, then the school district is responsible for providing evidence-based interventions prior to eligibility determination.

There are a number of specific requirements for the use of data from response to evidence-based intervention to determine insufficient progress. These are discussed in the insufficient progress section of Chapter 3.

3. Does the student demonstrate insufficient progress (response to instruction/interventions) and inadequate achievement (achievement scores below the level of the appropriate peer group)?

In order to determine special education eligibility, teams must demonstrate that the student has inadequate achievement (significantly below age- or grade-level expectations) and has made insufficient progress (rate of improvement at or below same-grade peers) when provided with appropriate, evidence-based intervention(s). Inadequate achievement and insufficient progress will be discussed in more detail in Chapter 3.

- Inadequate Achievement: After intensive intervention and core instruction, the student does not achieve adequately for his or her age or meet state-approved grade/subject area standards in one or more of the eight achievement areas of SLD.
- Insufficient Progress: The student has made insufficient progress as documented by insufficient rate of response to intensive evidence-based intervention.

4. Have appropriate data been collected to assess the student’s response to the instruction/interventions, and have those data been shared systematically with the student’s parents and/or caretakers?

The timeline for decisions about the intervention outcome depends on the student’s response to instruction/intervention and the frequency of progress-monitoring data points. The frequency of progress monitoring will depend on how long the team determines progress should be evidenced. Evaluating the progress of a complex skill may require less frequent progress monitoring, while more simple skills are typically monitored weekly or biweekly. Eight to ten progress-monitoring data points are typically recommended before a decision is made regarding intervention effectiveness. If the student’s rate of improvement is not adequate to achieve his or her targeted goal, the intervention(s) must increase in intensity by increasing the amount of minutes the student is receiving the intervention and/or decreasing the size of the intervention group. The team may also consider readdressing the match of the student need to the intervention. If a child is showing adequate growth, interventions should be maintained and monitored through the problem-solving process until the child meets age- or grade-level expectations. The problem-solving team has the essential task of determining when a “reasonable” amount of time has been allocated to determine the effectiveness of the intervention or whether a lack of expected response has occurred.

In order to verify that the instruction was delivered as intended and the data collected may be utilized for the decision-making process, the focus, frequency, and type of interventions must be documented (sufficiency) and fidelity measures need to be in place.

5. Have data been used to rule out exclusionary factors?

The team must determine whether any of the exclusionary factors are the primary reason for the student’s insufficient progress or inadequate achievement. If the evaluation team determines that one or more of the exclusionary factors is the contributing factor to the poor levels of achievement, the evaluation team must not find the student eligible for SLD.

MET/IEP teams should provide data or cite a source that provides evidence that insufficient progress and inadequate achievement are not primarily due to the following exclusionary factors:

- Environmental, cultural, or economic factors
- Limited English proficiency
- Lack of appropriate instruction in any of the eight areas of achievement being considered

- Emotional/behavioral disabilities
- Hearing, vision, or motor impairments
- Intellectual deficits

“A school district must not delay or deny an otherwise appropriate referral or request for an evaluation based on a district’s use of a response to scientific, research-based intervention process.”

Michigan Department of Education, Michigan Criteria for Determining the Existence of a Specific Learning Disability, May 2010

Review of Existing Evaluation Data (REED)

The purpose of the REED process is to compile the available information to determine whether the student meets eligibility criteria and requires specially designed instruction in order to make academic progress.

If the data are not documented in the REED form, the data need to be collected prior to the eligibility determination. The table on the following page outlines data that must be considered through the lens of eligibility criteria (inadequate achievement/academic gap, insufficient progress in evidence-based intervention[s], and exclusionary factors).

Data Supporting Inadequate Achievement (Academic Gap)	Data Supporting Insufficient Progress	Data Verifying Lack of Exclusionary Factors
Grade-based data	Documentation of tier 2 and tier 3 interventions currently received (name, frequency, duration, progress monitoring, fidelity)	Attendance
State-based assessment data	Current progress-monitoring data	Medical information (if necessary/available)
Teacher observations/input	History of tier 2 and tier 3 interventions previously received (name, frequency, duration, fidelity)	Retention history (if applicable)
SAT/ACT (secondary)	Previous progress-monitoring data	Previous programs/schools attended
CBM benchmark scores	Rate of improvement (ROI) with interventions implemented	Primary language with consideration of BICS/CALP
Classroom-based assessments compared to class averages/expectations	Typical rate of peer group improvement	Vision and hearing assessment results

Data Supporting Inadequate Achievement (Academic Gap)	Data Supporting Insufficient Progress	Data Verifying Lack of Exclusionary Factors
Accommodations consistently provided in the general education setting and their effectiveness	Gap analysis data	Relevant environmental, economic, or cultural factors
Standardized academic assessment scores/results	NA	NA

The school district must document that parents received specific information concerning their child’s participation in any response to the evidence-based intervention process. The information parents receive should include:

- The amount and nature of student performance data that will be collected and general education services that will be provided
- Strategies for increasing the student’s rate of learning
- Parent’s right to request an evaluation

Observations and Other Relevant Data

An observation is required for all SLD evaluations to determine the relationship between the student’s academic performance and behavior. It is recommended that a systematic observation methodology be used whenever possible. The guidelines provide that the IEP team considers data from observations when making SLD eligibility decisions. 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.

At least one systematic observation is recommended for all initial SLD evaluations. This should be conducted in each content area of suspected disability. Systematic observation may be conducted before referral or, if such data do not exist when the REED team completes the review of existing data, after parent consent is obtained to conduct additional assessments and to gather additional data. 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.

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).
 - Select a method of recording data.
 - 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

During the meeting to determine eligibility, the team examines and discusses 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 might consider regarding the results of systematic observation 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?
- 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?

Chapter 3: Criteria for Determining SLD Eligibility During an Initial Evaluation

Chapter 3 describes each of the three criteria and the sources of data necessary to carry out evaluation activities to make an initial SLD determination. The sections within this chapter will focus on the interdependence of each of the three criteria and on the analysis of data to document the decision about whether the student is eligible for the impairment of SLD. The application of criteria described in the body of this guide applies to all initial SLD evaluations. MET/IEP teams must consider the following three criteria when determining SLD eligibility requirements:

1. Exclusionary factors
2. Inadequate achievement
3. Insufficient progress

Students must meet all three criteria to be found eligible.

Chapter Contents

- The Role of Intervention and SLD Eligibility
- Defining Comprehensive Evaluation
- The Three SLD Eligibility Criteria
 - Exclusionary Factors
 - Inadequate Achievement
 - Insufficient Progress

The Role of Intervention and SLD Eligibility

All evaluations of students to determine initial SLD eligibility must be completed after the student has received at least two evidence-based interventions of increasing intensity. This section provides an overview of evidence-based interventions as they apply to the SLD guidelines.

Section Contents:

- Definition of intensive intervention in general and intensive EBIs specifically
- Application of standards
- Intervention fidelity and the SLD guidelines
- Who implements intensive interventions

What Is Intervention?

Evidence-based interventions are specific interventions that have substantial evidence of their effectiveness using multiple outcome measures. Two evidence-based interventions (EBIs) of increasing intensity are required in each area of SLD concern.

The standards for interventions used when applying the SLD criteria include:

1. The intervention must be evidenced based.
2. The intervention must be used with individuals or small groups.

3. The intervention must be focused on a single specific skill or a small number of specific skills closely aligned to individual learning needs (consistent with the area of SLD concern).
4. The intervention must be culturally appropriate.
5. The intervention must include an appropriate number of instructional minutes supplemental to what is provided to all students (core), implemented with adequate fidelity.
 - The intervention must be applied in a manner highly consistent with its design.
 - The intervention must be provided for at least 80 percent of the recommended number of weeks, sessions, or minutes.
 - The intervention must include ongoing progress monitoring at appropriate intervals targeted to the area(s) of need.

Applying the Standards

The collective expertise of MET/IEP teams must answer the following questions:

- What is meant by “specific skills”?
- What is an “appropriate number of instructional minutes”?
- What is “culturally appropriate”?

Specific Skills

For the purpose of SLD eligibility, “specific skills” should be aligned with one or more of the eight areas of concern listed in the guidelines. Depending on the areas of concern and the intervention, it is possible for one intervention to address more than one area of concern. For example, reading fluency and reading comprehension, or reading fluency and basic reading skill, are closely related and may often be addressed with the same intervention.

Appropriate Number of Instructional Minutes

The intent of the requirement for an “appropriate number of instructional minutes” is to avoid identifying a specific learning disability before the student has received both adequate core general education instruction aligned to state standards and at least two evidence-based interventions. Determining what constitutes an “appropriate number of instructional minutes” requires an understanding of the research on instructional effectiveness, knowledge about the core curriculum, and the specific interventions being used at the school. Adherence to the fidelity guidelines for the intervention and use of professional judgment should be considered when determining “appropriate” minutes. The topic of fidelity is addressed later in this section.

Culturally Appropriate Intervention

With respect to culturally appropriate interventions, schools must consider the available literature on the topic when selecting interventions for students in non-dominant cultural groups. Specifically addressing this topic is beyond the scope of this guide. However, there is a growing body of information on culturally responsive educational practices.

Concluding Remarks

When using the data from evidence-based interventions (EBIs) to make SLD eligibility decisions, a school should make every effort to locate and use interventions that meet the above standards. Schools should

also use the most technically adequate tools available to support their choice of EBIs and progress-monitoring measures. The movement of more states in this direction will result in increased availability of interventions and progress-monitoring tools in all eight areas of achievement that meet the standards in the guidelines. MET/IEP teams decide if the data collected during EBI are sufficient for making an eligibility decision or if additional data are needed.

Intervention Fidelity

Evidence-based interventions (EBIs) should be implemented with adequate fidelity. This means intensive interventions are provided in a manner highly consistent with their design and for at least 80 percent of the recommended number of weeks, sessions, and minutes per session. Published EBIs frequently provide information about the number of recommended sessions and minutes in the intervention manual or guide.

Under certain circumstances it is possible to utilize the same program, practice, or strategy for both of the required evidence-based interventions. Some interventions are designed such that, based on the student's response, the interventionist may increase the frequency or intensity of the intervention (e.g., moving from a small group to an individual implementation) following the first round of intervention. These adjustments mean the student is, in effect, receiving a new intervention. Such adjustments should be made in accordance with the design of the intervention. Interventionists should refer to the implementation manual or protocol to see what is allowable. The highest quality intervention with the strongest evidence base will not likely produce a positive effect without close adherence to the details of its implementation guidelines. It is ultimately up to MET/IEP teams to determine whether the requirement for two interventions in each area of concern has been met.

“The most common reason for a lack of response to an evidence-based intervention well matched to a student and skill area is the failure to implement the intervention as designed.” VanDerHeyden & Tilly, 2010

There is a relationship between the fidelity of intensive interventions and the quality of the team's decision-making. Monitoring intervention fidelity is a school-wide process. It is strongly recommended that local education agencies (LEAs) develop a system for monitoring intervention implementation and do not place this responsibility upon MET/IEP teams. As there is no statewide model for documenting the requirements of this component, each LEA decides how fidelity should be documented and by whom. School leadership may wish to consider implementing the following practices to ensure fidelity of implementation. To attain a high level of intervention fidelity, a school should:

- Build consideration of fidelity data into each intervention plan while developing it.
- Use a “critical components checklist” to explicitly measure and record fidelity data on an ongoing basis.
- Set up supports for personnel implementing interventions, such as professional development opportunities, training, mentoring, and coaching.
- Use progress-monitoring data to inform possible issues with fidelity. If a student is not making progress, that should inform a check of intervention fidelity.
- Consider recording the number of minutes and/or sessions the student receives the intervention.

Additional resources are available at the RTI Action Network website (rtinetwork.org/getstarted/evaluate/treatment-integrity-protocols)

The table below offers a few examples of some sources for documenting fidelity and includes discussion of the advantages and disadvantages of each. When verifying intervention fidelity, it is best practice to use a combination of different data sources, including products generated during interventions, teacher self-ratings, direct observations, and other sources as determined appropriate.

Source	Documentation	Advantages	Disadvantages
Work samples or permanent products	Student work samples are collected and stored by date, with start and end time of the intervention session recorded	Easy to collect, natural part of intervention process, reliable	Limited information on intervention process
Intervention log	Documents basic information for each intervention session including names, dates, and start and end times	Easy to document	Limited information (attendance, frequency, duration of sessions)
Direct observation	Intervention broken down into observable components identified on an observation checklist; observer counts the occurrence of each component to determine the percentage correctly implemented	Provides objective, first-hand information	Requires staff time to do observations; the observation checklist may not differentiate the most important components of the intervention

Who Implements Evidence-Based Interventions (EBIs)

Interventions are considered part of the school’s Multi-Tiered System of Supports (MTSS). When working with students who are having difficulty, the intent is to assign the most qualified staff to provide the most interventions. EBIs are intended to be provided by appropriately trained staff with fidelity.

Defining Comprehensive Evaluation

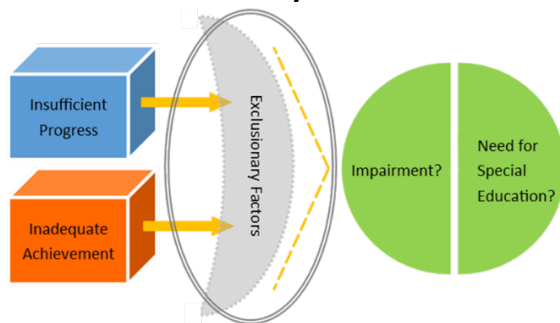
As a student demonstrates continued challenges with the instruction, supports, and services offered within general education, school problem-solving teams may determine the need to examine whether that student has a disability. Any student considered for special education should receive a comprehensive evaluation. IDEA 2004 requires that children suspected of having an SLD receive a comprehensive evaluation.

A student’s responsiveness to instruction and intervention (RTI) is not, when considered alone, a comprehensive evaluation. A comprehensive evaluation is a data-gathering and problem-solving process, not a mandated approach to assessment that represents a set of the same tests for every child.

It is essential to use multiple sources to conduct a comprehensive evaluation, and evaluators may not rely on any single measure, assessment, or source of data for determining whether a child is a child with a disability and for determining an appropriate educational program for a child. Within an effective MTSS/RTI framework, much of the data for the comprehensive evaluation are obtained from the information gathered through a systematic problem-solving process that reviews the extent and effectiveness of the implementation of high quality, evidence-based instruction and intervention. Assessments and measures used in RTI-based evaluations are usually direct measures of critical skills that are necessary for students to be successful and that can inform instructional decisions (Tilly, 2006). In-depth assessment is needed only in those domains in which screening indicates possible educationally related deficits. Any additional evaluations selected should be based on the necessity and relevance for determining eligibility and informing specially designed instruction.

The Three SLD Eligibility Criteria

Criterion: Exclusionary Factors



Exclusionary factors are the lens through which the other criteria (insufficient response to intensive evidence-based interventions [EBIs] and inadequate achievement) are examined. MET/IEP teams analyze insufficient progress and inadequate achievement in light of data about exclusionary factors to determine the degree to which each factor affects the student’s performance.

Definition and Requirements

In accordance with the SLD guidelines, a student may not be found to have an SLD if the IEP team determines that any one of the exclusionary factors listed in the guidelines is the primary cause for the student’s insufficient progress and/or inadequate achievement. 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 the changes in SLD eligibility criteria, serious consideration of these factors has become even more important.” The exclusionary factors are:

- Environmental or economic disadvantage
- Limited English proficiency
- Cultural factors
- Other impairments including a visual, hearing, or motor disability
- Lack of appropriate instruction in the area(s) of concern

MARSE R340.1713 and

(https://www.michigan.gov/documents/mde/Criteria_for_Existence_of_SLD_337584_7.pdf)

Environmental or Economic Disadvantage

When considering whether environmental or economic factors are exclusions, MET/IEP teams may need to review data related to family mobility, school attendance, family change, and/or any recent trauma that can substantially impact school performance. When a referred student has attended many schools or has frequent absences, analyzing data in response to interventions can assist MET/IEP teams in determining the impact of instruction on the student's learning and progress.

MET/IEP teams may 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. 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. 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 observations of routine classroom instruction are a source of information on student response to the educational environment.

Limited English Proficiency; Cultural Factors

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 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, it 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 MET/IEP teams in identifying and determining the impact of any cultural factors, interviews may 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

MET/IEP teams should also consider whether data indicate that the student's core instruction and interventions are culturally appropriate. MET/IEP teams must give careful consideration to whether the student's inadequate achievement and/or insufficient progress is primarily the result of lack of English proficiency or cultural factors. In determining whether this exclusionary factor applies, MET/IEP teams should consider the student's current and previous educational experiences.

It is possible for a student to exhibit one or more characteristics of the exclusionary factors and still be a student with SLD. It is up to MET/IEP teams to determine whether one or more of the exclusionary factors are the primary cause of the student's inadequate achievement and/or insufficient progress. For further information, refer to Chapter 4 on special topics.

Reviewing Achievement Data for Economic, Limited English Proficient, Culturally Diverse Groups

If the student is a member of an economic, limited English proficient, or cultural subgroup, the IEP team can review disaggregated achievement data for the student's demographic subgroup and data for the aggregated grade/age level. Suggested questions for 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 peers?
- 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 compare to the performance of the aggregate grade or age group?
- How do the referred student's scores compare to those of other students within his or her subgroup?

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 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, 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.

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 an 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.

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

Speech/language impairment and SLD often coexist. MET/IEP teams may wish to consider whether the student has a speech/language impairment if the central concerns at referral are related to the acquisition and development of oral expression and listening comprehension. A coexisting speech and language impairment is not considered exclusionary to SLD identification. If the only area(s) of concern are oral expression or listening comprehension, MET/IEP teams should instead consider an eligibility of speech and language impairment. In this case, a speech/language pathologist must be a member of the MET team and IEP team. Eligibility does NOT drive programming and services. If a student’s needs require additional specialized instruction outside areas of eligibility (i.e., resource support), the IEP team must consider these needs. See Chapter 4 of this guide for additional information about speech and language considerations and SLD.

Lack of Appropriate Instruction

If 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. 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, MET/IEP teams review student specific, grade level, and student demographic specific 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 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.

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

- State assessment results
- 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, MET/IEP teams may analyze data for the grade level disaggregated group as well as the student's individual performance and instructional history. MET/IEP teams might consider whether the referred student performs like or unlike his or her peers in the disaggregated group. 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. 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.

Educationally Relevant Medical Findings

When completing a comprehensive evaluation for a student with a suspected SLD, 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.

Applying the Guidelines: Discussion of Exclusionary Factors

The discussion of exclusionary factors and their potential impact on SLD eligibility determination is an important role of MET/IEP teams. The team's decision of whether exclusionary factors apply is made on a student-by-student basis.

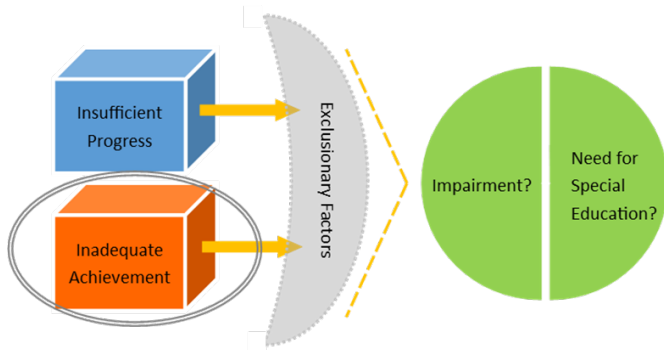
The consideration of exclusionary factors requires extensive discussion. Beginning with the review of existing evaluation data, the team collects and examines all available data and determines what additional data must be collected prior to eligibility determination. If there is evidence that any one of the exclusionary factors is the primary reason for a student's insufficient progress and/or inadequate achievement, MET/IEP teams should not find the student eligible for SLD.

To determine whether exclusionary factors apply, MET/IEP teams must have considered evidence to determine whether any of the following exclusionary factors are the primary cause of the student's insufficient progress or inadequate achievement:

- Lack of appropriate instruction in any of the areas of concern
- Limited English proficiency
- Cultural factors
- Environmental or economic disadvantage
- Other impairments (e.g., CI, ASD, EI, HI, VI, PI)

The evidence considered should include performance data for the student's subgroup and an analysis of how the student's performance compares to his or her group norms, as well as norms for his or her grade-and/or age-level peers.

Criterion: Inadequate Achievement



Definition and Requirements

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.

The Michigan Department of Education has suggested parameters for establishing an academic skill deficit. However, these parameters are not intended to be absolute cut-points. The first bullet included in this document is the highly important statement: "At least one measure needs to reflect a comparison to Michigan (or national) benchmarks or norms in order to provide some consistency across schools and districts in the interpretation of an academic skill deficit." For further information, and to consider the entire document, please refer to the website (https://www.michigan.gov/documents/mde/Criteria_for_Existence_of_SLD_337584_7.pdf) Page 6

Data Needed to Determine Inadequate Achievement

The use of an Instruction, Curriculum, Environment, Learner (ICEL) framework when testing identified problems for a student moves away from assuming the presenting problem is child centered. Comprehensive evaluation data are typically collected through what is commonly called the Record Review, Interviews, Observation, and Testing (RIOT) process, which includes data from early intervention through comprehensive evaluation. The collection of this information and data may occur during the MTSS process and/or after the special education evaluation period begins. When examining inadequate achievement, evidence from the following categories, including multiple data sources, need to be considered:

- Record review of student work samples, grades, office referrals, etc.
- Interviews of teachers, families, counselors, the student, and others involved in the student's education
- Observation of the student in specific, relevant settings and of the learning environment
- Testing including universal screening, curriculum-based measures (CBMs; depending on tier), classroom tests, district-wide and state tests, functional behavior assessments, and individually administered, norm-referenced diagnostic assessment
- Comparison groups: Student performance compared to:

- Multiple groups
- Local, state, and/or national group norms
- Culturally and linguistically similar peers, classroom, school, and/or other comparison groups

(For more information about using the ICEL and RIOT framework, please see Appendix B.)

Features of Academic-Achievement Assessments

The purpose of an academic-achievement assessment is to assist in making eligibility determinations in a comprehensive evaluation and to inform instructional planning. An academic-achievement assessment that is administered by a qualified professional during a comprehensive evaluation can confirm data collected through the problem-solving process. Assessments used to measure academic achievement should 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 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.

Analyzing Data to Determine Inadequate Achievement

In 2010 the Michigan Department of Education provided criteria for determining the existence of an SLD that suggested that scores below the 10th percentile when compared to same-grade peers would meet criteria for inadequate achievement. National experts in the field of using RTI for SLD eligibility also support the use of criteria that is below the 10th percentile when compared to peers (Kovaleski, VanDerHeyden, & Shapiro 2013).

Below are some examples of common comprehensive assessment data that may indicate significant inadequate achievement:

- Norm-referenced diagnostic assessment (WIAT-III, KTEA-3, WJ-III ACH, etc.) standard scores of 80 or below, or percentiles below the 10th percentile
- State assessment scores that indicate scores below state proficiency levels

- Classroom grades of D or E (classroom grades need to be interpreted with caution to verify that adequate academic skill is the primary weight of their achieved grade)
- Curriculum assessments that are below the 10th percentile when compared to same-grade peers (use of Illuminate Education or another SIS system is encouraged to help create local norms for curriculum assessments, please contact the Ingham Intermediate School District Data, Systems & Analysis team for more information for developing local norms with curriculum assessments)
- Universal screening and/or progress monitoring that is below the 10th percentile (if the student's class/grade normed scores are below national norms for any measure, use of local norms for that measure are encouraged)

Considerations for All Data

Standards Alignment

Current individually administered assessments measure whether the student achieves adequately for his or her age/grade. At this time, there are few assessments available that measure if a student meets age or state-approved grade-level standards. However, there are tools with adequate, predictive validity to help determine whether a student is on track to demonstrate proficiency on state-approved grade-level testing, such as classroom-based, district, and/or statewide assessments.

Normative Group Comparisons

The professional(s) evaluating for a potential SLD must determine the type of norms that are most appropriate when analyzing universal screening, progress monitoring, and curricular assessment data. The decision may depend on how local, district, or national norms compare against each other. If a school's grade-level data indicates that their local norms for a measure or assessment may be different from national norm data, the question of whether the student has received adequate instruction may be raised. 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.

Exceptions for All Data

There may be exceptions to using the student's score (and percentile rank) to determine inadequate classroom achievement after the implementation of an evidence-based intervention. One exception may occur when the score comes close to but does not meet the cut score below the 10th percentile. A suggested operational definition of "close" would be within the standard error of measurement (SEM). Another exception may occur when a valid, reliable assessment score cannot be obtained due to the student's test behavior, language proficiency, another interfering impairment, or the absence of a valid, reliable test for the student's age/grade.

In such cases, if the student meets all the other criteria for SLD, MET/IEP teams may use professional judgment to make the most appropriate decision. In these situations, MET/IEP teams must document BOTH:

1. Why it was not appropriate to consider a specific score or assessment

2. Whether the student demonstrates inadequate achievement using other norm referenced empirical evidence

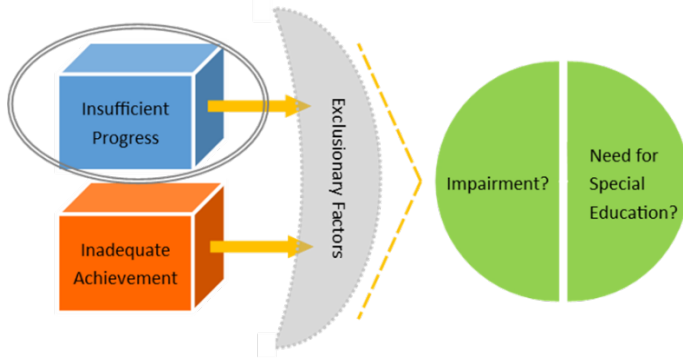
There should be consistency for this inadequate achievement within the student's universal screening, progress monitoring, state assessments, curricular assessments, and classroom observation data. The evaluator(s) must address any inconsistency within the data for inadequate achievement.

Applying the Guidelines: Discussion of Inadequate Achievement

Determining whether the referred student exhibits inadequate achievement after intensive intervention is an important role of MET/IEP teams. When making the decision, the team may wish to utilize the following questions:

- Has evidence been considered to determine whether lack of appropriate instruction is primary in causing inadequate achievement in the area(s) of concern?
- Has evidence been considered to determine whether limited English proficiency, other impairments, or economic, environmental, or cultural factors are primary in causing the inadequate classroom achievement? For example, if there are norms for the student's subgroup (e.g., primary language, ethnicity, socioeconomic status), has the IEP team considered how the student's performance compares to the subgroup norms and to the norms for grade- or age-level peers?
- Is there evidence that a valid individual assessment of achievement was administered after the required EBIs as defined in the guidelines?

Criterion: Insufficient Progress



Insufficient progress is one of three criteria used to determine SLD. MET/IEP teams are required to use progress-monitoring data collected during two evidence-based interventions (EBIs) to determine insufficient progress for all initial SLD evaluations for students enrolled in Ingham ISD schools.

Definition and Requirements

Ingham ISD's SLD guidelines define insufficient progress as follows:

1. Rate of progress is the same or less than same-grade peers, OR
2. Rate of progress is greater than same-grade peers but will not result in closing the achievement gap in a reasonable period of time, OR
3. Rate of progress is greater than same-grade peers, but the intensity of resources necessary to obtain this rate of progress cannot be maintained in general education

Insufficient progress criteria will be based on the student's rate of improvement (ROI) in comparison to ROI goals that close the achievement gap between the student and his or her same-grade peers (such as an ROI above the 50th percentile). 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. MET/IEP teams must give consideration to the multiple variables relevant to each individual student when analyzing adequate progress. This requires MET/IEP teams to engage in problem solving and to carefully consider all of the data gathered. The primary question to answer is: "Is the student making adequate progress to close the gap?"

Progress-monitoring data from at least two EBIs in each area of concern is required to determine insufficient progress. To be eligible as having the impairment of SLD, the referred student must demonstrate insufficient response to EBIs in one or more of the eight areas of SLD concern:

1. Oral expression
2. Listening comprehension
3. Written expression
4. Basic reading skill
5. Reading fluency
6. Reading comprehension
7. Mathematical calculation
8. Mathematical reasoning

Please refer to Appendix C for elementary examples and Appendix D for secondary considerations.

Measures and Progress Monitoring

As mentioned above, the guidelines require MET/IEP teams to analyze progress-monitoring data collected during two EBIs implemented with fidelity in each area of concern. MET/IEP teams analyze the data to determine whether the student's response to intensive intervention was sufficient.

The progress-monitoring data used for the analysis of insufficient progress must be collected at least biweekly and typically include 8–10 data points while students are receiving EBIs. Progress monitoring requires the use of scientifically based tools to measure progress. Curriculum-based measures such as AIMSweb or DIBELS provide brief, direct measures of specific academic skills, with multiple equal or nearly equal forms, that are sensitive to small changes in student performance and that provide reliable and valid measures of student performance during intervention.

Measures used must provide reliable and valid data about the area(s) of concern that are the target of the intervention. Locally developed progress-monitoring measures need to meet this standard. Please refer to National Center on Intensive Intervention (<http://www.intensiveintervention.org/chart/progress-monitoring>) for a comprehensive list of progress-monitoring measures. In general, measures that are sufficient to monitor progress should meet the following criteria:

- Reliable and valid
- Quick and easy to use
- Sensitive to small increments of student improvement
- Available with multiple alternate forms

- Evidence based

While schools are encouraged to put systems in place to ensure data provided to MET/IEP teams meet the standards in the SLD guidelines, ultimately MET/IEP teams determine if the progress-monitoring data provided can be used for making an eligibility decision.

Data on individual rate of progress must be analyzed by MET/IEP teams to determine whether the student meets the insufficient-progress criterion using psychometrically valid and reliable methodologies. With respect to the SLD guidelines, a psychometrically valid and reliable methodology relies on data sources reflecting a student's progress that exhibit adequate statistical accuracy for the purpose of comparing the student's progress to data from a national sample of same-age peers. Adequate statistical accuracy means the tool and the method for analyzing the data from the tool meet the standards of technical adequacy set by the scientific research field.

Though not required by the guidelines, LEAs are encouraged to use the same benchmarks and progress-monitoring measures throughout an MTSS, including special education instruction. Maintaining consistency in measures provides a continuous base of student progress. This increases the likelihood that educators and parents understand how a student is progressing toward meeting common core state standard expectations prior to and after having been identified as having an SLD.

Analyzing Progress-Monitoring Data

- Establish baseline.
- Begin and document evidence-based intervention that is aligned to student need.
- Collect weekly or biweekly progress-monitoring data using probes.
- Use baseline and subsequent PM data to analyze progress using a standard that measures a student's progress against that of peers.
- EBIs should be implemented before a special education referral, but they may be used as a part of the evaluation

The compiling of data should be visually represented so the IEP team can compare the trend line or rate at which the student improves to the norm-referenced goal (target) line.

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. MET/IEP 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, MET/IEP teams 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 or "line of best fit" is too imprecise to accurately represent the growth

Applying the Guidelines: Evaluating Rate of Improvement

Determining rate of progress in relation to intensive intervention is a responsibility of the IEP team. This analysis is central to applying the SLD criterion of insufficient progress and also to informing further decisions regarding instructional programming for the student. There is no rigid formula that can be applied uniformly to all situations when using data from intensive intervention as part of SLD eligibility determination. Rather, the team must give consideration to the multiple variables relevant to each individual student. The team is thus required to engage in problem solving and to carefully consider all of the data gathered.

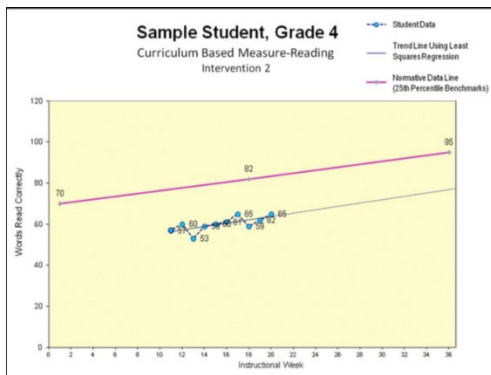
Three decision rules inform the team's analysis of progress-monitoring data from evidence-based intervention. A student's rate of progress during intensive intervention is insufficient if any of the following apply:

1. The rate of progress is the same or less than that of his or her same-age peers.
2. The rate of progress is greater than that of his or her same-age peers but will not result in reaching the average range of achievement in a reasonable period of time.
3. The rate of progress is greater than that of his or her same-age peers, but the intensity of resources needed to obtain the rate of progress cannot be maintained in general education.

The following are examples of decision rules for analyzing data for insufficient progress.

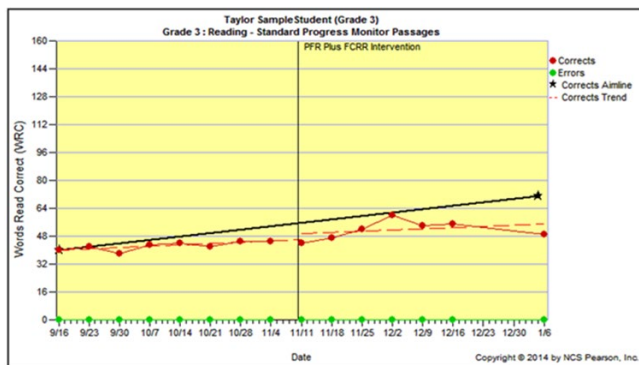
Decision rule: Rate of progress is the same or less than that of same-grade peers.

Figure 1:



In figure 1 above, the student is making progress, but that progress is at the same rate as that of his or her peers. This means that, despite intensive intervention delivered in addition to core instruction, the gap between the student's growth in basic reading skill (as measured by words read correctly) and that of his or her peers is not likely to narrow or close. The IEP team would likely determine that the student's progress is insufficient if this is the outcome after both required interventions are implemented with the student.

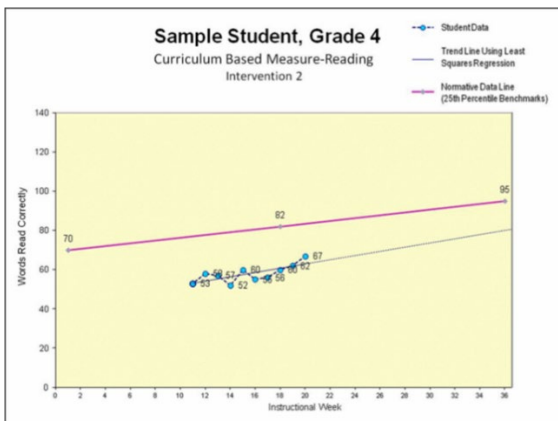
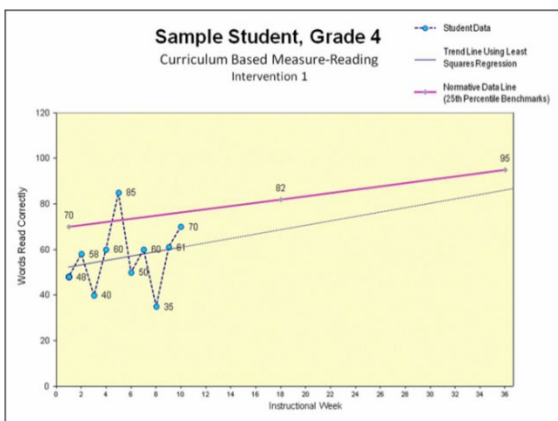
Figure 2:



In figure 2 above, the student’s rate of improvement is less than that of his or her same-grade peers. This means that, despite intensive intervention delivered in addition to core instruction, the gap between the student’s growth in basic reading skill (as measured by words read correctly) and that of his or her peers is likely to continue to widen unless the student’s programming is changed. The IEP team would likely determine that the student’s progress is insufficient if this is the outcome after both required interventions are implemented with the student.

Decision rule: The student’s rate of progress is greater than that of his or her same-age peers but will not result in reaching the average range of achievement in a reasonable period of time.

Figure 3:



In figures 3 and 4 above, the student is making progress at a faster rate than his or her peers, and the gap between peers is closing. In this case, the IEP team would discuss whether the rate of progress is sufficient to expect the student to reach the average range of performance for his or her grade in a reasonable period of time. The IEP team determines what constitutes a reasonable period of time. The team might consider the student's age and the gap in achievement between the student and his or her peers when determining what a reasonable period of time is. For instance, an older student whose achievement is significantly below that of his or her peers may improve at a rate greater than his or her peers but may also take longer to reach the average range of achievement simply because he or she is further behind. The IEP team may consider this progress to be sufficient based on the student's continued rate of improvement and steady progress toward reaching the average range of achievement.

The IEP team should also consider whether the student will need ongoing intensive support or whether, once caught up, the student will likely be able to maintain his or her skills with general education supports (see next decision rule). The IEP team may wish to calculate how long it will take the student to reach the 25th percentile of achievement at the current intensity of intervention. This may help guide the IEP team's discussion of whether the student's progress toward the 25th percentile is reasonable.

Decision rule: The student's rate of progress is greater than that of his or her same-age peers, but the intensity of resources needed to obtain the rate of progress cannot be maintained in general education.

IEP 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 IEP team may decide the student's progress is insufficient as 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.

Consideration for Considerable Student Progress-Monitoring Score Variability

When a student demonstrates considerable variability in his or her scores (as in the graph above), the 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.

Applying the Guidelines: MET/IEP Team Discussion When Using Data from Intensive Intervention to Determine Insufficient Progress

The following questions may be helpful to the team when considering progress-monitoring data to determine whether a student demonstrates insufficient progress:

- Has evidence been considered to determine whether a lack of appropriate instruction is primary in causing insufficient progress as determined by data from intensive evidence-based intervention in the area(s) of concern?
- Has evidence been considered to determine whether a limited English proficiency, other impairment (including visual, hearing, or motor disabilities), or economic, environmental or cultural factor is the primary reason for the insufficient progress? For example, if there are norms for the student's subgroup (e.g., primary language, ethnicity, socioeconomic status), has the team considered how the student's performance compares to the subgroup norms and to norms for grade- or age-level peers?
- Is there evidence that at least two intensive or evidence-based interventions as defined in the guidelines have been implemented for the student for each area of concern?
- Have the decision rules defined in the guidelines been applied when considering the data from intensive interventions and determining rate of progress?

Chapter 4: Special Topics

A number of additional considerations may affect MET/IEP team decisions about whether a student has the impairment of SLD. This section provides a summary of some of the most common related considerations.

Chapter Contents

- Speech and Language Concerns
- Evaluation of Young Children
- Private School, Home School, and Immersion School Students
- In-State Transfer Students
- Out-of-State Transfer Students
- English Language Learners (ELL) & Limited English Proficiency (LEP)
- Applying the Guidelines: MET/IEP Team Discussion of Special Topics

Speech and Language Concerns

Speech and language impairment and SLD can coexist. Students being considered for potential SLD often exhibit language concerns. Speech and language skills are the underlying foundations for reading, writing, and other areas of academic achievement. Students with speech and language impairments may also exhibit deficits in one or more of the areas of SLD concern. This is especially common in the SLD achievement areas of oral expression, listening comprehension, reading, and written expression. Working definitions for all eight areas were provided in Chapter 3. The two areas most commonly considered when addressing language concerns are repeated here:

- **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 verbally problem solve.
- **Listening comprehension** refers to the understanding of the implications and explicit meanings of words and sentences in spoken language. This may include following directions, understanding 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.

Language components of both oral expression and listening comprehension include:

- Syntax (word order, sentence structure)
- Grammar (the rules of language)
- Morphology (the meaning units of words)
- Pragmatics (use of language in social contexts)
- Semantics (knowledge of vocabulary)
- Phonology (units of sound used to encode language)

In order for a student to meet SLD eligibility criteria because of insufficient progress and inadequate achievement in oral expression or listening comprehension, the difficulty must be demonstrated in academic functioning and result in the student not making sufficient progress. At least two scientific,

evidence-based interventions (EBIs) must be implemented in the area(s) of concern, and there must be evidence of insufficient progress and inadequate classroom achievement compared to the expectations for same-age/grade peers in these areas. While not required for SLD evaluations, a speech and language pathologist is best qualified to help the team identify and collect other empirical data to help make a decision about whether the student is making progress in oral expression and listening comprehension.

A speech and language impairment may coexist with SLD and is not considered exclusive to SLD identification. At the same time, a student being considered for a speech and language impairment because of oral expression does not also have to be evaluated for SLD. The decision of whether to evaluate a student for a speech and language impairment and/or SLD because of concerns in oral expression and listening comprehension is a MET/IEP team decision and is generally made during the review of existing data. MET/IEP teams may find a student has both speech and language impairment and SLD. To be identified with both impairments, the student must meet all eligibility criteria for each area of impairment and have a need for special education services because of the impairments.

Michigan eligibility criteria for speech and language impairment can be found at:
(http://www.michigan.gov/documents/mde/MARSE_Supplemented_with_IDEA_Regs_379598_7.pdf)

Evaluation of Young Children

There are no age requirements for identifying students with SLD. However, particular caution must be taken when evaluating young children (preschool to first grade). As part of the SLD eligibility determination, MET/IEP teams must consider if the student has had the opportunity to develop skills in the area(s) of concern through sufficient exposure to general education curriculum and interventions. This is part of the team's consideration of exclusionary factors. Eligible students must also be found to have insufficient progress and inadequate achievement using data that meet the standards in the guidelines. Assessment of young children is complicated by factors related to their development and the limited amount of time most children in preschool to first grade have had to learn and demonstrate the academic skills referenced in the eight areas of potential SLD. Factors such as early experience and early opportunities for developmentally appropriate instruction can significantly influence a student's early achievement skills. Differentiating between SLD and delayed but normal development in young children is often difficult (Fletcher et al., 2007, p. 83; Shaywitz et al., 1992). MET/IEP teams should be prudent when identifying SLD in this age group. The prevalence of SLD in preschool through early elementary age students is expected to remain very low.

Many commonly used achievement tests required for SLD identification lack sufficient diagnostic power to be used reliably with students age six and under. When the team determines a student cannot attain valid, reliable assessment scores because of the lack of an achievement test appropriate to the student's age, the team may not use such testing to determine inadequate achievement in accordance with federal (§300.304) guidelines.

It is very important that evaluators of young children have a strong background in typical child development, factors leading to early learning success, and technical information about tests used to evaluate young children. It is also important to recognize that some areas of achievement discrepancy, such as written expression, cannot be identified until a child has developed sufficient prerequisite skills. Evaluators should also consider the young child's maturation through behavior observations in natural settings such as the home, school, and community.

One way to reduce the number of primary-age children who demonstrate academic achievement delays is to provide age-appropriate learning opportunities in natural environments. Early- and age-appropriate screening and general-education interventions should be considered and implemented as appropriate to the needs of individual children. When the student is presenting with significant delays, other areas of impairment may be considered.

Additional information on early childhood special education can be found at:
(http://www.michigan.gov/mde/0,1607,7-140-6530_6809-127146--,00.html)

Private School, Home School, and Immersion School Students

Local education agencies (LEAs) must identify, locate, and evaluate all students suspected of having a disability irrespective of where the student is receiving instruction. When a student is not attending a traditional public school at the time of a special education evaluation, MET/IEP teams may not have readily available information about a student's prior and current instructional program and performance in age- or grade-appropriate curriculum. In such cases, MET/IEP teams will need to rely on information provided by the parent or school staff in order to analyze whether the student meets the eligibility criteria, including whether an exclusionary factor may apply.

In Michigan, private school, home school, and immersion school students need to be evaluated for special education services with the same guidelines that include a review of appropriate instruction.

In-State Transfer Students

The transfer provisions for students with SLD are consistent with those for all students with disabilities. When a student with SLD transfers from one Michigan LEA to another Michigan LEA, the student is considered eligible for services unless an MET/IEP team determines otherwise. Upon enrollment, the receiving LEA provides comparable services to those in the existing IEP until the LEA either adopts the existing IEP or holds an IEP team meeting to review and, if needed, revise the student's IEP. If a student with SLD transfers from a Michigan LEA and the new Michigan LEA determines that an evaluation is required, the evaluation would be considered a re-evaluation rather than an initial evaluation (34 CFR § 300.323[e]).

When a referred student transfers from one Michigan LEA to another Michigan LEA before an eligibility determination is made, the new LEA must ensure prompt completion of the evaluation. The new LEA should review the status of the evaluation at the time of transfer. Information collected by the previous LEA would be considered as part of this process. If additional data is needed, an extension of the 30-day timeline for an SLD evaluation may occur by mutual written agreement between the parent and the other members of the team. The amount of additional time needed to ensure prompt completion of an SLD evaluation is determined on a student-by-student basis by the team in consultation with the parent.

Out-of-State Transfer Students

If a student transfers to Michigan from another state, the receiving LEA must deliver free appropriate public education (FAPE) until the new agency conducts a REED to determine what data is available and what data is required to determine initial eligibility for special education services under Michigan law. The REED and MET teams may determine that no additional data is necessary. Until the evaluation is conducted, in consultation with the parents, the student's new LEA must provide FAPE, including services comparable to those in the student's existing IEP (34 CFR § 300.323[f]).

English Language Learners (ELL) & Limited English Proficiency (LEP)

Data that should be considered when determining whether there is evidence supporting an SLD eligibility decision include:

1. Home Language Survey
 - Does the home language survey indicate the student's primary language is different than English?
 - Some students may be exposed to a second language within the home setting but may not fluently speak it themselves.
 - Did the parent indicate any difficulties acquiring the first language?
 - Delays in acquiring a first language can be an indicator of difficulties beyond that of limited English proficiency (LEP).
2. Parent Interview
 - Was there a history of difficulties acquiring the primary language?
 - Did the student experience difficulties acquiring academic skills in the native language?
 - Did the student participate in (consistent) schooling in primary language and struggle (before English was introduced)?
 - Is the student demonstrating a "language loss" at an unexpected rate?
 - "Language loss" can occur as a student begins to learn a second language, but this is typically temporary. If this loss is occurring quicker than expected, there could be evidence supporting the presence of an SLD.
 - Did the student experience developmental delays?
 - Has the student received Title III (ELL) supports? If so, for how long?
 - Are the expectations of the student's home culture consistent with school expectations?
 - Can any social or psychological factors (e.g., refugee or immigrant status, mental health concerns, racial or ethnic bias) be identified?
3. Previous and current English Language Proficiency Assessment (ELPA) and/or World-class Instructional Design and Assessment (WIDA) results
 - What was the student's English proficiency throughout years of testing?
 - Has the student made progress in response to Title III (ELL) services on these assessments?
 - i. Little to no progress on English proficiency assessments may indicate learning difficulties not explained by LEP.
 - ii. If the student is proficient or close to proficiency, LEP may not be the primary reason for learning difficulties.
4. Teacher Interview
 - Interviewing the student's ELL teacher may provide useful information regarding the student's performance when compared to similar ELL students.
 - Is there a difference in the student's performance by subject area?
 - What is the student's performance like on language-heavy tasks versus language-light tasks?
 - Does the student do better when language is reduced or removed from a task (e.g., math calculation tasks are easier)?
5. Classroom Observation

- Is the student engaged with instruction (time on task, opportunities to respond, etc.)? If not, is the student's lack of engagement due to a misunderstanding of expectations (e.g., instructions) or content, or both?
 - Is the student provided with both visual and verbal instructions in addition to other forms such as modeling?
 - Is the student provided with extended response time and opportunities to respond in various forms (visual, written, verbal, model, etc.)?
 - Is the student engaged appropriately with peers?
6. Progress-Monitoring Data
- How is the student responding to evidence-based, intensive interventions?
7. Valid and Appropriate Assessments
- If assessed using standardized batteries, are the assessments normed with the student's ethnicity and/or culture included?
 - Are the assessments in and administered in the student's primary language?
 - If not, do they require strong English proficiency skills?
 - Is there a significant difference between the student's scores on language-loaded subtests and nonverbal subtests?
 - Does the evaluator have data to suggest the student has stronger academic skills in his or her native language?

All other exclusionary factors must also be considered.

Applying the Guidelines: IEP Team Discussion of Special Topics

The following questions may be helpful to MET/IEP teams when considering any of the topics presented in this chapter.

- If the special education referral identified oral expression and listening comprehension as areas of concern, was evidence considered to determine whether the referred student's impairment may be speech/language? If so, was a speech/language pathologist a member of the MET team and IEP team?
- For very young children referred for SLD evaluation, was the quality of the data collected considered for validity and reliability in view of the student's age and school experiences at the time of the referral?
 - If the referred student was a transfer student, were procedures followed for evaluation/re-evaluation, eligibility determination, and special education placement consistent with Michigan requirements for all transfer students, whether the student is from within the state or from outside the state?

Chapter 5: Determining the Need for Special Education and Next Steps

A disability under state and federal special education law means the student meets the eligibility criteria for at least one of the listed impairments and, as a result, needs special education. When considering whether a student is or continues to be eligible for special education, 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?

Chapter Contents

- Putting It All Together: Does the Student Meet the SLD Impairment Criteria?
- Process for Determining the Need for Special Education
- Analysis of Data from Response to Intensive, Evidence-based Interventions and Considering Need for Special Education

Putting It All Together: Does the Student Meet the SLD Impairment Criteria?

The determination of impairment in SLD is made by MET/IEP teams, which must consider if the three criteria for SLD have been met following consideration of the progress data collected during intervention, formal assessments, observations, and additional formal and informal sources. MET/IEP teams must also complete all documentation requirements and develop an evaluation report.

Having determined that the referred student has the impairment of SLD, MET/IEP teams must then consider whether there is a need for special education to meet the disability-related needs identified in the evaluation. The results of the evaluation are documented in the MET evaluation report, which will reflect eligibility recommendation, and an IEP is written that will determine eligibility and services.

The following questions may be helpful to consider when determining whether all the requirements for determining eligibility for SLD have been met:

- Did the team consider evidence concerning whether any of the exclusionary factors were the primary reason for insufficient progress and inadequate achievement?
- Did the team consider valid, reliable evidence to determine that all three criteria for SLD (exclusionary factors, inadequate classroom achievement, and insufficient progress) were present? Did the team give balanced and equal weighting to all three criteria?
- Did the team consider data from multiple sources, including formal and informal assessments and observations, to determine the impairment of SLD? Was there consistency among multiple sources of data?
- Did the team review any other considerations that might influence the determination of the impairment of SLD?

Process for Determining Need for Special Education

The “need for special education” question is sometimes overlooked. A student does not “automatically” need special education on the basis that he or she demonstrates inadequate achievement and insufficient progress after exclusionary factors have been ruled out.

As part of an evaluation or re-evaluation to determine whether a student is or continues to be a child with a disability, the team will address three critical questions to determine the student’s need for services:

1. What are the student’s needs that cannot be met through general education at the time of evaluation?
2. What accommodations, if any, can be made in the general education program to meet the student’s identified needs and to allow the student to access the grade-level curriculum and meet the educational standards that apply to the student’s current grade?
3. What additional instruction does the student need that is not currently provided through the general education curriculum?

These three guiding questions are discussed further in the paragraphs below.

1. What are the student’s needs that cannot be met through general education at the time of evaluation?

The first question requires MET/IEP teams to consider if the student has needs that cannot be met in general education. When discussing this question, the team should keep in mind the variability of student skills and behaviors that schools must address within general education classrooms. The team should consider the general education environment and identify which of the student’s needs, if any, cannot be met in general education.

As the team considers this question, the team focuses on the student’s needs and should resist the temptation to discuss what special education interventions the team believes the student may need. An example of a need the team might identify at this stage is, “The student’s reading skills are so poor she cannot independently read grade-level materials and therefore cannot complete class assignments on her own.”

2. What accommodations, if any, can be made in the general education program to meet the student’s identified needs and to allow the student to access the grade-level curriculum and meet the educational standards that apply to the student’s current grade?

The second question requires the team to discuss whether accommodations can be made to allow the student to access the general education curriculum and to meet age or state-approved grade-level standards. When addressing this question, the team is asked to think about what might be possible. In doing so, the team should consider adaptation of content, methodology, or delivery of instruction.

As the team discusses accommodations to the general education program that may be needed, it is helpful to consider the following:

- What is involved in implementing the accommodation (time to implement, time for training, or preparation)?
- Can the accommodation be used with other students as well?

- Is the accommodation based on the general education curriculum?

A need for accommodations in the general education program may or may not require special education and related services. Some accommodations needed by a particular student may be relatively minimal, while others may be very complex. Appropriate accommodations address the student's needs and allow the student to access the general grade-level curriculum and the standards for that grade level. When a number of students in a general education classroom need accommodation(s) similar to those of the student who is being evaluated to be successful, it is possible the student does not need special education. Under these circumstances, the district may want to review how its general education program meets the needs of the vast majority of students.

While not meant to be an all-inclusive list, common accommodations used in general education to address the needs of students with SLD include:

- Larger print or fewer items on worksheets
- Key words/concepts written on the board or provided in a handout
- Lesson/unit guides or class notes provided before or at the end of class
- Alternative assignments or extra time to complete assignments or to take tests
- An environment with fewer distractions for test taking
- Additional small group instruction, repeated practice, extra examples, re-teaching, specialized computer software, or other assistive technology such as scanned text, text readers, etc.
- Visual displays to accompany instruction.

Like many students with and without disabilities, students with SLD benefit from a variety of strategies and supports. Decisions about needed accommodations in content, instructional methodology, or delivery of instruction should be made on an individual student basis. If the team determines there are accommodations that can be made in general education, these should be documented.

If the team determines the student's needs can be met within the general education environment with reasonable accommodations, the student may meet the impairment eligibility criteria but not need special education. The student would thus not meet eligibility criteria under the Individuals with Disabilities Education Act (IDEA). Should a student with SLD be found to no longer need special education but continue to require specific accommodations and supports, the district may consider whether the student meets eligibility criteria under section 504 of the Americans with Disabilities Act.

3. What additional instruction does the student need that is not currently provided through the general education curriculum?

If the team concludes the student's needs warrant special education, the team moves onto the third question. This question requires the team to identify needed modifications or additions that cannot be provided through the general education curriculum, such as supplementary curriculum, expanded core curriculum, or other supports. The key question here is: "Does the student have instructional needs that cannot be met through a general education option even after the general education environment and curriculum have been carefully scrutinized and appropriate accommodations considered?" If the answer is "yes," the team goes on to identify instruction and supports outside of the general education program needed to address the student's impairment.

Examples of supplementary curriculum may include:

- A supplementary reading program that includes explicit instruction in phonics
- Alternative ways of teaching algorithms during math instruction
- Language arts instruction that focuses on systematic vocabulary development and explicit writing strategies

Examples of expanded core curriculum and other supports may include:

- Instruction in learning strategies not included in the general curriculum, such as alternative note-taking strategies
- Instruction in self-advocacy skills
- Generalization training
- Specially designed instruction to assist the transition from school to post-secondary life
- Instruction in the use of specialized computer software or hardware
- Supplemental one-to-one or small group instruction not otherwise available
- Pre-teaching or re-teaching skills or strategies needed in general education classes using supplemental materials or different teaching strategies

A student may receive both general education and special education services in a particular subject area. For example, a student might receive math instruction with his or her classmates and also receive supplemental instruction in math skills as a special education service.

Analysis of Data and Considering Need for Special Education

When conducting an initial evaluation for a student with suspected SLD, the team must address the “need for special education.” Information relevant to answering the three questions discussed above to facilitate discussion about the “need for special education” is analyzed as the team determines whether the child meets SLD criteria. Consideration of a student’s continued need for special education is built into the re-evaluation and exit criteria for SLD, which are explained in Chapter 6.

Chapter 6: Re-evaluation Criteria

Once a MET/IEP team has identified a student as a “child with a disability,” the school district must conduct a re-evaluation at least once every three years. The REED team may determine that no additional data is needed, but an MET form still needs to be completed. A re-evaluation must be conducted if the LEA determines the student’s educational or related service needs warrant a re-evaluation or if the student’s parent or teacher requests a re-evaluation.

Chapter Contents

- Definition and Requirements
- Considering Achievement, Progress, and Exclusions upon Re-evaluation
- Potential Data Sources for SLD Re-evaluation
- Some Questions to Ask Upon Re-evaluation of a Student with SLD
- Additional Considerations for Re-evaluations

Definition and Requirements

Upon re-evaluation, MET/IEP teams determine whether the student continues to be eligible to receive special education services and identifies the student’s continuing disability-related needs, if any. A student previously identified as having an SLD must continue to demonstrate a need for special education (specially designed instruction). This need is demonstrated by:

- Academic performance substantially below the level of same age/grade level peers; and/or
- A need for a substantial level of support in order to make progress or maintain progress in the general education curriculum

In addition, MET/IEP teams must reconsider whether any exclusionary factors are now the primary reason for any continued need for special education.

The student’s educational needs may be served through general education instruction and supports. If so, the student may no longer need specially designed instruction and may meet general education grade level standards with typical general education core instruction, interventions, and reasonable accommodations. The student may continue to have academic deficits but may no longer be a student who needs special education. In this case, the student would no longer be considered eligible as a “child with a disability” under state and federal education law. MET/IEP teams must discuss this carefully and determine whether the student continues to be eligible for special education services based on criteria and need. Please review Chapter 5 for further information.

Considering Achievement, Progress, and Exclusions upon Re-evaluation

The student’s ability to participate in general education classes and meet grade-level standards is a key SLD re-evaluation consideration. Subsequently, the analysis of classroom achievement data is an essential part of the re-evaluation process. Depending on the type and amount of data collected as part of ongoing IEP and general education progress monitoring, MET/IEP teams may decide no additional assessment is needed upon re-evaluation. In this case, the team uses existing data related to the student’s achievement and progress in the general curriculum to determine continuing eligibility for special education. If the team is considering progress-monitoring data in their review, it is required that

a person qualified to assess data on individual rate of improvement using psychometrically valid and reliable methodology be a member of the team.

Potential Data Sources for SLD Re-evaluation

The following are recommended data points that the team may consider during an SLD re-evaluation to determine continued need and eligibility for special education services:

- Report cards and grades
- Structured observation
- Performance on formative and summative assessments
- Performance on curriculum-based measurement benchmarking and progress monitoring
- The student's rate of improvement (ROI) as compared to same-grade peers
- If the student's scores are below grade level, the student's rate of improvement when compared to grade level of similarly performing peers
- Other statewide and/or district-wide data
- Frequency of use and effectiveness of accommodations provided
- Progress and performance on IEP goals
- Amount of time provided for specially designed instruction
- Type and amount of general education intervention(s) provided to the student, and progress in intervention(s)
- Performance on standardized academic measures compared to a normative sample of same-aged peers

The consideration of exclusionary factors for re-evaluations is the same as for initial evaluations. If MET/IEP teams find any of the exclusionary factors are now the primary reason for the student's continuing academic-achievement delays and progress delays, the team must determine that the student does not meet SLD eligibility criteria. See Chapter 3 for guidance on considering exclusionary factors.

Following initial identification as SLD, it is anticipated that a student will make improvement in the area(s) of concern after receiving special education services for a period of time. MET/IEP teams should analyze and document whether the student has made adequate achievement toward age or state-approved grade-level standards and sufficient progress in response to the intensive, specialized instruction. This will support the team in making a decision on the student's continued eligibility for special education services.

The team may find the student is achieving at a pace and level commensurate with the range of students in the same grade. If the student is meeting general education expectations with limited specially designed instruction, the team may consider whether the student continues to be eligible as having the impairment of SLD.

For example, a student with SLD who, when first identified, had significant delays in written expression may have learned to effectively express himself or herself in writing after receiving specially designed instruction. Upon re-evaluation, the student may be successfully participating in general education classes and only require access to a computer or recording device to complete written assignments that meet generally accepted performance expectations. This student would likely be able to have his or her

needs met entirely within general education when provided with reasonable supports and adaptations. Under circumstances such as these, the team may determine special education services are no longer needed to meet the student's needs. If the team determines the student is no longer eligible, it should include recommendations for any needed general education supports or accommodations in the evaluation report.

Some students with SLD will demonstrate achievement gains since the last evaluation but may continue to require substantial special education resources to maintain a reasonable rate of academic progress in the general education curriculum. These students are likely to continue to meet eligibility criteria for SLD and demonstrate the need for special education. If the student has made significant academic improvement, the team should document the student's growth with the increase of supports provided to the student. This would illustrate the student's need for continued eligibility for special education support.

Students who no longer demonstrate inadequate achievement as defined in Chapter 3 may continue to exhibit some delays compared to grade-level peers. While a number of these students may continue to need support and accommodations to succeed in general education, they may not require specially designed instruction or accommodations and supports that significantly differ from those available to non-disabled peers. Before dismissing these students from special education services, MET/IEP teams should develop clear recommendations. The team needs to consider general education options, accommodations, and/or strategies that would best assist these students in meeting the general education standards and prepare them for post-secondary life. For example, a student with SLD who continues to read slowly may be able to meet general education standards when provided with e-books or a text reader. This student may also need extra time to take tests or to complete class assignments, or additional options for assignments used to demonstrate proficiency.

Considering the Need for Special Education for Re-evaluations

Upon re-evaluation, the team considers the degree to which a student needs special education services because of an identified SLD, just as it does for an initial evaluation. The ultimate goal of education for a student with SLD, as with any non-disabled student, is readiness for further education and the workforce. When a student has met his or her grade-level goals and any remaining need for support or accommodation can be met within the context of general education, the student no longer requires special education eligibility.

Applying the Guidelines: Considerations for Re-evaluation

The re-evaluation process provides the team with an opportunity to reflect on the student's progress and any continuing needs. The decision to exit a student from special education should be made carefully and should be based on analysis of a variety of data to ensure the student's success is not dependent on specially designed instruction and the student is able to meet grade-level expectations with supports provided out of special education.

Some Questions to Ask Upon Re-evaluation of a Student with SLD

The following questions are provided to guide MET/IEP team discussion during a re-evaluation. The answers to these questions should also assist the team when analyzing "need for special education."

- Does the student's specific learning disability continue to interfere with his or her participation in general education classes or ability to meet age or state-approved grade-level standards?
- Does the student continue to exhibit significant achievement delays, and is the student making inadequate progress within the general education curriculum?
- Does the student continue to require specially designed instruction that cannot be provided within general education to make progress toward age or state-approved grade-level standards (e.g., specialized reading methods, explicit instruction in writing strategies, self-advocacy training, explicit instruction in the use of technology, pre-teaching or re-teaching, generalization training, etc.)?

Additional Consideration for Re-evaluations

Has the team determined specific criteria for the student to discontinue special education services? MET/IEP teams should define criteria that will allow the student to no longer require the supports and services outlined within her or his IEP. These criteria must include data from multiple sources. Although it may not be possible to meet these criteria within one calendar year, a defined target for the IEP team to discuss the student discontinuing services and supports should result in goals focused on independent functioning. This is the goal for all students prior to graduation.

Appendix A: IDEA and MARSE Regulations

Federal IDEA Regulations § 300.307 and § 300.309

IDEA regulations § 300.307 and § 300.309 serve as the key federal regulations in the framework of determining SLD eligibility and define elements of the evaluation process. These federal regulations necessitated changes to Michigan regulations for determine SLD eligibility. The federal IDEA regulations § 300.307 and § 300.309 are described below:

§ 300.307 Specific learning disabilities.

- a) General. A State must adopt, consistent with § 300.309, criteria for determining whether a child has a specific learning disability as defined in § 300.8(c) (10). In addition, the criteria adopted by the State—
 - 1. Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10);
 - 2. Must permit the use of a process based on the child’s response to scientific, research-based intervention; and
 - 3. May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10).
- b) Consistency with State criteria. A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.

§ 300.309 Determining the existence of a specific learning disability.

- a) The group described in § 300.306 may determine that a child has a specific learning disability, as defined in § 300.8(c) (10), if
 - 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:
 - i. Oral expression.
 - ii. Listening comprehension.
 - iii. Written expression.
 - iv. Basic reading skill.
 - v. Reading fluency skills.
 - vi. Reading comprehension.
 - vii. Mathematics calculation.
 - viii. Mathematics problem solving.
 - 2. 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; and

3. The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of—
 - i. A visual, hearing, or motor disability;
 - ii. Mental retardation;
 - iii. Emotional disturbance;
 - iv. Cultural factors;
 - v. Environmental or economic disadvantage; or
 - vi. Limited English proficiency.
- b) 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, as part of the evaluation described in §§ 300.304 through 300.306—
 1. Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child’s parents.
- c) The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the time frames described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child’s parents and a group of qualified professionals, as described in § 300.306(a) (1)—
 1. If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and
 2. Whenever a child is referred for an evaluation.

In addition to introducing new criteria for SLD eligibility, these federal regulation changes facilitated a change in the conceptualization of SLD from a child-centered problem focused on a discrepancy of theorized cognitive ability from academic achievement levels to a focus on two factors:

- 1. Achievement (or lack of achievement) relative to age- or state-approved grade-level standards when provided with appropriate learning experiences and instruction**
- 2. Rate of progress in response to research- or evidence-based interventions and instruction**

Although the federal regulations do not define standards for “appropriate instruction,” the USDOE does note that such instruction has the following characteristics:

- Research (evidence) based
- Provided by qualified personnel
- Student progress data is systematically collected and analyzed

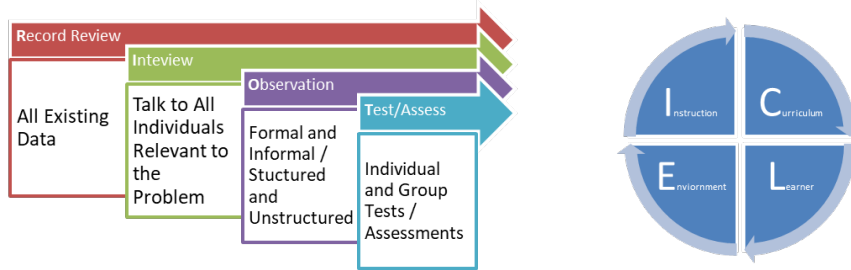
Michigan Administrative Rules for Special Education (MARSE) 2012 Regulations

In March of 2012 the Michigan Department of Education released a new iteration of the regulation defining SLD eligibility. The following paragraphs describe the “Michigan Administrative Rules for Special Education” (MARSE) definition of SLD eligibility criteria.

R 340.1713 “Specific learning disability” defined; determination.

1. “Specific learning disability” means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage.
2. In determining whether a student has a learning disability, the state shall:
 - a. Not require the use of a severe discrepancy between intellectual ability and achievement.
 - b. Permit the use of a process based on the child’s response to scientific, research-based intervention.
 - c. Permit the use of other alternative research-based procedures.
3. A determination of learning disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:
 - a. The student’s general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.
 - b. At least 1 person qualified to conduct individual diagnostic examinations of children and who can interpret the instructional implications of evaluation results, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.

Appendix B: Explanation of RIOT and ICEL



Instruction: Instruction is how curriculum is taught. This domain includes instructional decision making regarding materials and curriculum level. Progress monitoring and the ability to control success rate are also included. Examples of other instructional variables include giving clear directions, communicating expectations and criteria for success, direct instruction with explanations and cues, sequencing lesson designs to promote success, and offering a variety of activities and experiences for practice and application.

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

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

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

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

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

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

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

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

Here are some example variables from each content domain:

Instruction:

- Instructional decision making regarding selection and use of materials
- Instructional decision making regarding placement of students in materials
- Use of progress monitoring
- Clarity of instruction
- Communication of expectations and criteria for success
- Direct instruction with explanations and cues
- Sequencing of lesson designs to promote success
- Use of a variety of practice and application activities
- Pace and presentation of new content

Curriculum:

- Long-range direction for instruction
- Instructional philosophy/approaches
- Instructional materials
- Intent
- Stated outcomes for the course of study
- Arrangement of the content/instruction
- Pace of the steps leading to the outcomes
- General learner criteria as identified in the school improvement plan and the district curriculum and benchmarks and state standards

Environment:

- Physical arrangement of the room
- Furniture/equipment
- Rules
- Management plans
- Routines

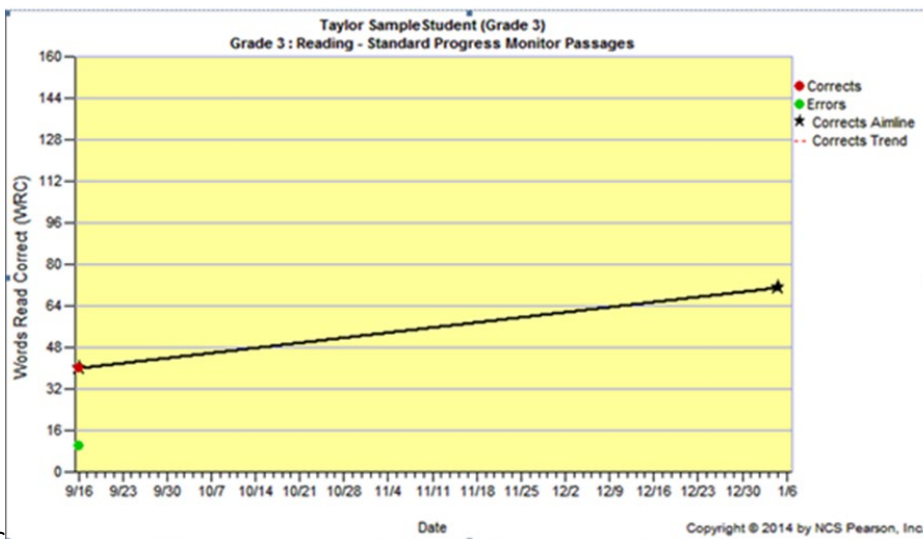
- Expectations
- Peer context
- Peer and family influence
- Task pressure

Learner:

- Prior knowledge of the target task
- Academic performance data
- Related social/behavioral performance data
- This is the last domain that is considered; it is only addressed when the curriculum and instruction are found to be appropriate and the environment is accommodating.

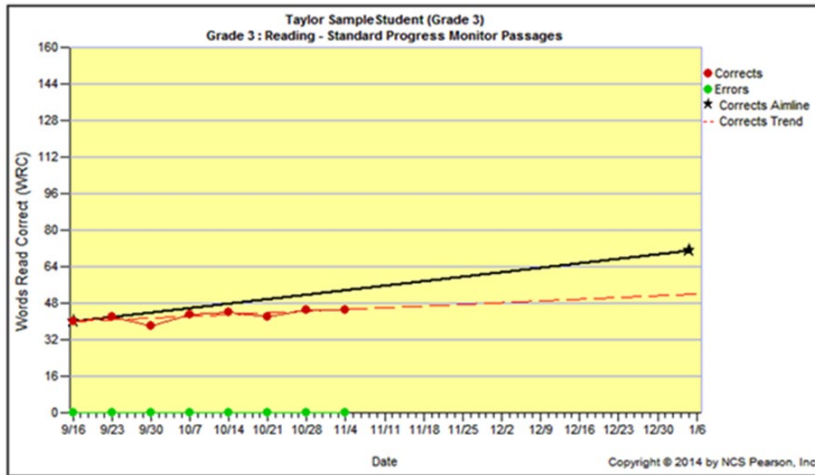
Appendix C: Elementary - Determining Insufficient Progress at Tier 1, Tier 2, & Tier 3

Taylor is a third-grade student in Mrs. Smith’s class. School-wide screening in the fall indicated that Taylor read at the rate of 40 words correct per minute (wcpm) on the AIMSWeb Reading Curriculum Based Measure (R-CBM) oral reading fluency measure. Based on this measure, Taylor was “at risk” of not meeting the winter benchmark of 105 wcpm. At a grade level team meeting, it was determined that the probability of Taylor meeting the end-of-year benchmark of 119 wcpm was very low unless both differentiated core instruction and targeted supplemental instruction were undertaken simultaneously. The problem-solving team looked at the possibility of using the 119 wcpm winter benchmark as the goal for Taylor’s 14-week intervention. However, the problem-solving team calculated that Taylor’s weekly rate of improvement (ROI) would need to be 5.6 wcpm to attain that score over the course of 14 weeks. This would not be a reasonable rate of improvement for Taylor to sustain over the course of 14 weeks. The problem-solving team then calculated a goal for Taylor by multiplying the median ROI of students in the third grade (1.11) by 2 to determine an ambitious but attainable ROI goal of 2.22 wcpm per week. The team then multiplied 2.22 times 14 weeks (31 wcpm) and added that score to his benchmark score of 40 wcpm. Taylor’s new 14-week goal was set at 71 wcpm. The decision was made that tier 1 core instruction would be differentiated to include additional reading fluency practice within small group work during Taylor’s 90 minute reading block. The problem-solving team used a skills-based assessment to determine his underlying skill deficit using a combination of R-CBM survey level assessment and Quick Phonics Screener (Hasbrouck & Parker, 2001). Taylor’s underlying skill deficit was determined to be decoding skills while reading words with R-control vowels and vowel diphthongs and diagraphs. The problem-solving team decided to remediate his skill deficit through small group instruction using the Phonics for Reading evidence-based intervention. The intervention group is a group of five students who meet for 30 minutes a day, five days a week.



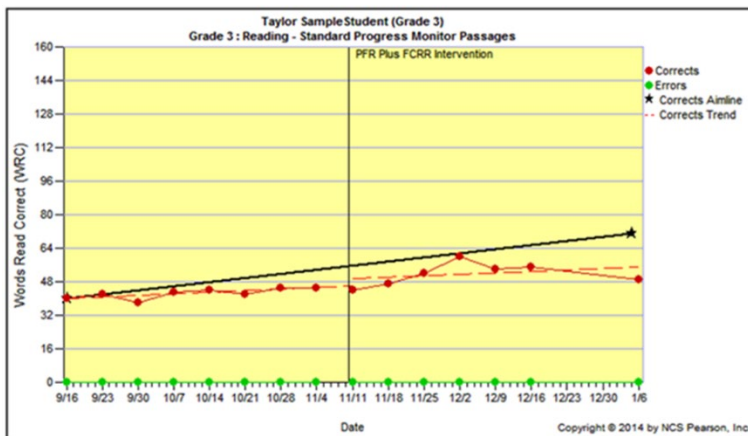
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The team met after 7 weeks of intervention to review Taylor’s progress. Taylor’s scores indicated that his weekly rate of improvement was .75 wcpm, and he was not on target to reach his 14-week goal of 71 wcpm.



Taylor’s problem-solving team investigated and found that the fidelity of his intervention was adequate. The team reviewed student attendance records for intervention sessions and verified that 80 percent of the intended intervention minutes were attended. The team also reviewed intervention fidelity checklist data. Taylor’s problem-solving team then reconsidered his problem identification to verify that they had correctly identified Taylor’s underlying skill deficit. They identified that Taylor’s skill deficit remained decoding skill difficulties with R-control vowels and vowel digraphs and diphthongs. Taylor was provided with more intensive instruction to remediate this skill deficit. Taylor’s intervention plan was changed to reduce the size of his intervention group to 3 students and add an additional 15 minutes of targeted phonics instruction using a set of evidence-based Florida Center for Reading Research activities.

The team next met to review Taylor’s progress at his 14-week benchmark period. Weekly progress monitoring indicated minimal gains. Through 14 weeks of intervention, Taylor’s rate of improvement was .63 wcpm per week.



The problem-solving team concluded that, based upon the data, Taylor’s progress was not at a rate sufficient to meet the goal of 71 wcpm. They further concluded that the results suggested that in comparison to his peers, Taylor’s learning needs required further diagnostic evaluation to develop more

intensive individually designed instruction. The team determined that Taylor met the criteria for insufficient progress according the SLD guidelines. The team will also need to consider whether Taylor meets criteria for adequate achievement, exclusionary factors, and demonstrates a need for special education services.

Appendix D: Secondary Level Considerations

The essential components of an MTSS framework may be the same for elementary schools and high schools, but the translation of the framework and essential components into effective practice in high schools may differ from elementary schools due to structural and organizational differences. Screening, progress monitoring, as well as interventions in secondary schools include the same set of essential components commonly implemented in elementary schools, but the actual strategies for implementation may look very different due to a middle school or high school's unique culture, structure, and organization (Duffy, 2007). While high school MTSS frameworks may be operationalized differently, evaluations for SLD in secondary schools are held to the same criteria of insufficient progress, inadequate achievement, and ruling out of exclusionary factors.

At the secondary level, we may specifically identify and intervene to support students at risk of dropping out rather than solely targeting academic skills or remediation. Early Warning System (EWS) data can be used as a screener or as part of a screening process to identify whether a student is at risk of dropping out of high school. These EWS indicators are based on a significant amount of research and typically include attendance, behavior, and course performance (e.g., Allensworth and Easton, 2007; Balfanz, 2009). The literature clearly recommends launching EWS in both middle school and high school, with emphasis on the transition years. Existing guides for EWS are excellent resources for system development (see Table 1 for resources).

When working with secondary schools, it is particularly important to utilize the connection between MTSS and dropout prevention using EWS. MTSS and EWS focus on the importance of improving academic and behavioral outcomes and using a screening process to identify risk. At the core of both of these is the firm belief in early intervention to prevent later failure and to ensure students have foundational skills necessary to be successful. Both models rely on data-based decision making, which is essential in determining special education eligibility.

Universal Screening

Universal screening is a core and essential component of MTSS. However, it will be more contextualized to meeting the needs of secondary systems. Universal screening at the high-school level is important for all students and should occur a minimum of three times a year. It is important to clarify that, typically, systems do not need to gather additional data beyond student historical data for screening purposes. For instance, we may not have to administer a universal screener to a middle school or high school student in order to identify those who, without intervention, are likely to struggle or demonstrate disengagement. We typically have years of historical data that tell us who is in need of support. The students who struggle in 9th grade are by and large the students who struggled in middle grades. Thus, vertical articulation of EWS indicator data is critical to the development of effective transition, prevention, and early intervention services. With the resources saved by this approach, schools can invest in much needed diagnostic assessments, which provide data to help teams understand the root of student academic and engagement issues.

Using EWS data in the screening and progress-monitoring process at secondary schools can provide educators with stronger, more regularly available data for problem solving. Combining the MTSS and EWS models provides school problem-solving teams with a useful framework to conceptualize and manage their interventions. Ingham ISD has used the work of Mac Iver and Mac Iver (2009) to provide

examples of how the two frameworks can map together in their comprehensive plan for keeping students on the graduation path.

Table 1: A Comprehensive Plan for Keeping Students on Track: Examples of Interventions Aligned with Early Warning Systems

Type of Intervention	Focus of Intervention		
	Attendance	Behavior	Course Failures
School-Wide (All Students)	<ul style="list-style-type: none"> • Every absence brings a response • Use Positive Behavior Interventions & Supports (PBIS) to create a culture that says attending everyday matters • Use a PBIS acknowledgment system to create positive social incentives for good attendance/no tardies. • Data tracking 	<ul style="list-style-type: none"> • PBIS: Teach, model, expect good behavior • Use a PBIS acknowledgement system to create positive social incentives and recognition for good behavior advisory • Data tracking • Culturally responsive practices 	<ul style="list-style-type: none"> • Research-based instructional programs • Active engagement strategies for in-classroom implementation (TLT's, Archer, & Feldman) • Evidence-based strategies (reading apprenticeship) • Data tracking • Work-based learning to increase engagement • Master schedule design
Targeted (15–20% of Students)	<ul style="list-style-type: none"> • Two or more unexcused absences in a month brings brief daily check by an adult • Attendance system or team investigates and problem solves reasons why student isn't attending (teacher, counselor, administrator, parent) • Progress-monitoring data 	<ul style="list-style-type: none"> • Two or more office referrals brings involvement of behavior team (or school based leadership team) • Simple behavior checklist brought from class to class checked each day by an adult • Mentor assigned • Team used problem-solving process to identify motivation of behavior • Check in/check out • Progress monitoring 	<ul style="list-style-type: none"> • Team uses problem-solving process • Elective replacement • Tutoring • Link between core curriculum and intervention • Preview upcoming lessons, fill in knowledge gaps • Work-based learning • Check in/check out • Progress monitoring • Mentoring • Engagement strategies
Intensive (5–10% of Students)	<ul style="list-style-type: none"> • Sustained one-on-one attention and problem solving • Bring in appropriate social service or community supports 	<ul style="list-style-type: none"> • In-depth behavioral assessment to determine why student is misbehaving (functional behavior assessment and behavior intervention plan) • Behavior contracts with family involvement • Bring in appropriate social service or community supports 	<ul style="list-style-type: none"> • Intensive problem solving • One on one tutoring • Engagement strategies • Credit recovery • Work-based learning to increase engagement • Progress monitoring • Mentoring

Adapted from Mac Iver, M.A., & Mac Iver, D. J. 2009, p.23

Progress Monitoring

In secondary schools implementing MTSS, progress monitoring is essential and is required for special education eligibility. Selecting a progress-monitoring approach in high schools is dependent on the purpose and context and will vary depending on the areas targeted with intervention. Using EWS data for progress monitoring supports dropout prevention and successful outcomes, both behaviorally and academically. Additionally, when high schools are looking at academic performance and mastery of specific content, progress-monitoring tools might include:

- Benchmark assessments
- Common assessments
- Grades
- Tests
- Quizzes
- General outcome measures (e.g. curriculum-based measurement [CBM])
- Classroom-based assessments

Some districts in Ingham ISD are using INSPECT item banks (within Illuminate Education) to create common assessments that are aligned to common core state standards. This could be used as a classroom-based assessment for progress monitoring at the secondary level. When the purpose is to monitor behavior, the school team may look at patterns in attendance, office referrals, rating scales, and/or behavioral observations. It may also be helpful to have students monitor their own progress.

Instruction and Intervention

Ideally, middle school and high school interventions address student skill deficits while simultaneously supporting student success within credit generating courses. According to Sarlo (2013), on the RTI Action Network, when designing multi-tier interventions, it is important to begin with the idea that the purpose of all instruction (tier 1, 2, and 3) is to ensure students achieve core (tier 1) instructional goals and expectations. With this in mind, multi-tier intervention programs should be built to accomplish three important goals:

1. Remediate previously acquired knowledge and skill gaps.
2. Support the acquisition of new knowledge/skills and prevent gaps by addressing student proximal needs (i.e., provide just-in-time instruction aligned with core instruction to ensure access and achievement with current grade level/course content).
3. Promote and maintain high levels of student engagement within all tiers of instruction. Identifying root causes of EWS indicators can guide which interventions to assign that use three tiers of universal, targeted, and intensive interventions.

In order to achieve the goals above, core teachers (tier 1) and intervention/special education teachers (tier 2 and tier 3) need sufficient time and support to communicate and plan collaboratively. Working together to address knowledge and skill gaps relevant to common core state standards will increase student access and engagement with core instruction and improve student outcomes.

One example of a high school evidence-based intervention strategy would be to adopt a pre-teach-preview model of instruction rather than a reteach-review model of instruction. For example, instead of re-teaching science content because a student’s low reading skills precluded him from accessing the science content, intervention teachers incorporate the science text into the pre-teach-preview intervention. They use the science text for fluency practice and to teach content-area vocabulary, vocabulary acquisition, and comprehension strategies. Because the instruction occurs as part of a pre-teach-preview model, the student will be more prepared to receive science instruction and will consequently be more engaged, retain more of the science content, and require less re-teaching on the other end of instruction.

Districts using MTSS and EWS can combine the efforts of these two systems to effectively identify, conceptualize, and manage interventions. As examples, after-school tutoring may benefit students flagged because of low course performance; and a peer mediator group may help students with behavioral incidents. A focused intervention may be tied directly to a specific indicator and yet could improve performance on multiple indicators. Table 2 provides intervention-indicator mapping showing a sample of how this might occur. School teams can easily create their own intervention-indicator map and look for potential gaps in intervention availability. Where substantial gaps exist, the team may consider brainstorming additional opportunities in scheduling, programming, services, or resources.

Table 2: Sample Intervention-Indicator Mapping with Focus of Intervention (ABCs)

Intervention	Notes	Attendance	Behavior	Course Performance
After-school tutoring	Available only for math	none	none	X
Peer mediators	Accommodates 15 students per grade	none	X	none
Individual coaching	X	X	X	X
First period check-in	none	X	none	none
Policy to talk to parents after two unexcused absences	Do we have staff available to personally talk to every parent?	X	none	none

Adapted from A Practitioner’s Guide to Early Warning Systems. Frazelle and Nagel, 2015, p. 12

Problem Solving

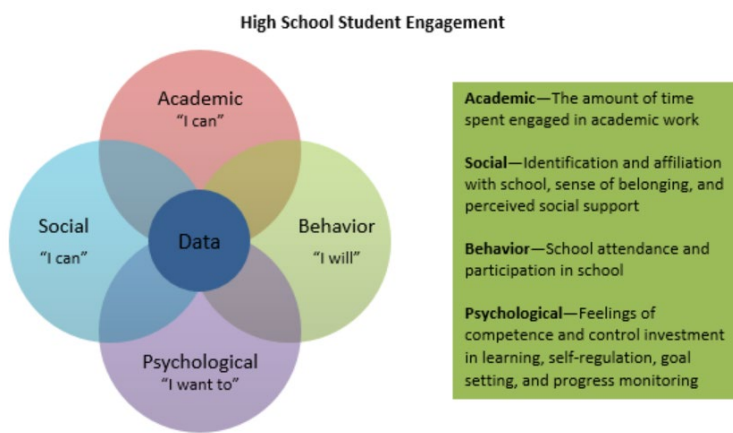
There are contextual considerations when working with problem-solving teams at secondary schools. For example, problem analysis at the elementary level often begins with universal screening data such as measures of oral reading fluency. Students who score low on fluency are then assessed to determine decoding skills and potential phonemic awareness difficulties. However, analysis at the secondary level rarely addresses phonemic awareness in isolation. We need to first and foremost consider typical barriers to secondary success such as student engagement and other EWS factors. Data such as high absenteeism (e.g., 10 percent), office discipline referrals, grade point average (GPA), and number of credits accrued (or lack thereof) can all be indicators of disengagement (Kennelly & Monrad, 2007). These are excellent places to start analyzing the problem to determine the root cause of difficulties, which may then lead to additional assessments. Using data from EWS at secondary schools provides critical information, which enables more effective targeting of an intervention and increases the likelihood of success. An examination of existing EWS data can provide a comprehensive student profile

from which to work. Minimal additional data may be needed for a relatively small proportion of students to determine the appropriate intervention target.

Indicators of student engagement should be part of the MTSS problem-solving and data-collection system at the secondary level. Engagement is the commitment to learning, sense of belongingness, and willingness to participate in learning and extracurricular activities that is associated with positive student outcomes (Christenson et al., 2008). Re-engaging disengaged secondary students is one of the most challenging and important tasks secondary educators face. By the time they enter secondary schools, most failed learners are disengaged, and most chronically disengaged learners are now failed learners. The combination of skill deficits, low productivity, and low engagement places students at significant risk for eventual dropout. However, much can be done to prevent disengagement and to respond to it when it occurs. Student engagement is a multi-dimensional construct, so intervention plans to address disengagement will likely need to be multi-dimensional as well (Sarlo, 2013).

Problem solving using EWS will include identifying students who are academically, behaviorally, socially, and/or psychologically disengaged and providing interventions specific to students' needs. Academic engagement, which is measured by credit hours completed, attendance, office referrals, GPA, etc., is a good starting point because it is so easily measured. Behavioral engagement includes being a good citizen in the school, getting to school regularly and on time, participating appropriately in class activities, getting homework done on time, and avoiding disciplinary infractions.

High School Student Engagement



Teams may also need to consider social and psychological engagement when looking at student engagement in a more comprehensive fashion. Social engagement is often referred to as the “I belong” domain of student engagement (Sarlo, 2013). This domain involves students’ affiliation with school and perceptions of belonging, peer support for learning, and the quality of adult-student relationships at school. Examples of instructional strategies that may impact this component include providing structured opportunities for students to act as instructional resources for one another, providing opportunities for students to work as interdependent, collaborative groups, and linking instruction intentionally to students’ prior knowledge, interests, and goals.

Examples of curricular strategies related to social engagement include utilizing culturally inclusive and responsive curricula and allowing students to select topics and texts that they find personally relevant. Examples of environmental strategies that impact social engagement include implementing a zero-tolerance bully-prevention program, implementing a range of social and academic clubs and social activities that appeal to a wide range of students, implementing a community-building program, enacting a small learning community structure, and implementing a school-wide peer and adult mentoring program. Learner variables that are related to social engagement include students' skills with perspective taking, appreciating diversity, interactive communication, collaboration and teaming, conflict resolution, and seeking and providing help.

Psychological engagement is known as the "I want to" domain of student engagement. It encompasses students' perceptions of competency and control (choice and voice) within the educational setting. It also includes students' future orientation and goals, as well as their perception of the relevancy of instruction toward meeting those goals. Examples of instructional strategies that are related to students' psychological engagement include beginning lessons by priming background knowledge and by communicating clear lesson objectives and learning goals; embedding goal setting and progress monitoring into every lesson cycle specific to learning goals; and engaging in data chats with students, which link instruction and student performance therein to the students' personal goals. Examples of curricular strategies that impact psychological engagement include considering the extent to which students are provided with a choice in assignments, tasks, topics, and texts within their classes and whether the materials and texts chosen by the teacher relate to the students' backgrounds and interests. Environments that stress compliance and performance goals instead of purpose, mastery, and autonomy have been found to reduce psychological engagement. Environments that provide opportunities for mastery learning, service learning, and project-centered learning have been found to significantly increase psychological engagement. Student/learner variables that impact psychological engagement include levels of self-awareness and future planning (e.g., self-efficacy, college and career planning) and decision-making skills (e.g., planning and problem-solving skills, goal setting, progress monitoring).

Additional Resources

- A good starting place for EWS planning is documented in *On Track for Success: The Use of Early Warning Indicator and Intervention Systems to Build a Grad Nation* (Bruce, Bridgeland, Fox & Balfanz, 2011).
- Another excellent guide for school and district teams working on their EWS system is John Hopkins University's *Team Playbook: Using Data to Keep Students on Track for Graduation*. This practical resource presents everything from indicators and interventions to pedagogical and professional development. It also provides useful support for team development and meetings by describing examples of "just getting started," "making progress," and "we're on top of it" to gauge progress on each step along the way.
- The January 2015 publication "A Practitioners Guide to Early Warning Systems" (Frazelle and Nagel, National Center for Educational Evaluation) describes and provides examples of EWS implementation strategies in use across the country.
- Like any issue, the more we understand about the root causes (through problem analysis) of the disengagement, the more effective our intervention plans are likely to be. For more information

on this topic check out “Best Practices for Fostering Student Engagement” (Christenson, Reschly, Appleton, Berman-Young, Spanjers, & Varro, 2008) in Best Practices in School Psychology (5th ed.)

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