CONSIDERATIONS IN SPECIFIC LEARNING DISABILITY EVALUATION AND ELIGIBILITY DETERMINATION

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EFFECTIVE EVALUATION RESOURCE CENTER

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Effective Evaluation Resource Center

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Introduction

The overarching goal of this document is to assist schools in conducting appropriate and comprehensive educational evaluations for students suspected of having a specific learning disability (SLD). This document is intended to provide an overview of Article 7 SLD eligibility determination requirements, clarify the evaluation components and criteria, and answer frequently asked questions from the field.

Response to Intervention is a nationally recognized approach for providing school-wide, multi-tiered systematic interventions that has been explicitly connected to SLD identification; however, this document is not intended to provide general guidance as to the implementation of such an approach. The Indiana Department of Education (IDOE) has selected to utilize the terminology Response to Instruction (RtI) to emphasize the focus on all learners, on teaching and learning, and on the critical role of the teacher in providing the most appropriate instruction (Indiana Department of Education, 2010). For more information regarding RtI in general, please refer to the IDOE RtI website at www.doe.in.gov/rti. When considering an individual student's eligibility and need for special education services, the student's prior participation and progress in instruction and intervention is a significant consideration. Indiana's Special Education Rules and Regulations (hereinafter referred to as Article 7) outlines the components and requirements of Comprehensive and Coordinated Early Intervening Services (CCEIS; 511 IAC 7-40-2) relevant to special education referral and evaluation. The implications of CCEIS requirements on SLD evaluation and eligibility determination will be addressed in this document.

SLD Regulation and Policy

Influenced by long-standing concern regarding the appropriateness and usefulness of the severe discrepancy criterion for the identification of SLD and advocacy for the use of data demonstrating a student's progress in response to scientifically based intervention, Congress advanced new requirements for SLD identification in the Individuals with Disabilities Education Improvement Act (IDEA 2004) (Zirkel & Krohn, 2008). IDEA 2004 set forth criteria to which states must adhere when adopting specific criteria for determining whether a student has a

specific learning disability [34 CFR §300.307(a)]. IDEA ’04 indicates that the criteria adopted by a state:

1. must *not* require the use of a severe discrepancy between intellectual ability and

achievement for determining whether a student has a SLD;

2. must *permit* the use of a process based on the student’s response to scientific,

research-based intervention; and

3. may permit the use of other alternative research-based procedures for determining

whether a student has a SLD. [*emphasis added* 34 CFR §300.307(a)(1)-(3)]

Indiana outlines the basic criteria for determining whether a student has a SLD in Article 7 at 511 IAC 7-41-12. For all students with suspected disabilities, Indiana requires a comprehensive educational evaluation in which the multidisciplinary team must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student (511 IAC 7-40-3(f)). Indiana permits the use of a student’s response to scientific, research based intervention as well as a student’s pattern of strengths and weaknesses in performance or achievement (or both) as part of the comprehensive evaluation and evidence for a SLD. Article 7 includes the pattern of strengths and weaknesses approach as an alternative research-based procedure; however, it is important to note that Article 7 further prohibits the multidisciplinary team from using a severe discrepancy between academic achievement and global cognitive functioning as evidence of a pattern relevant to identification of a SLD [511 IAC 7-41-12(a)(2)].

According to the IDEA ’04 and Article 7, a specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia [34 CFR §300.8(c)(10) and 511 IAC 7-41-12].

SLD Evaluation and Identification

Prior to conducting an educational evaluation of a student suspected to have a disability, schools must provide written notice and obtain parental consent. The preparation of the written notice of evaluation provides an opportunity for the members of the multidisciplinary team to discuss existing information and determine the necessary and desired evaluation components for a given student. Evaluation requirements are specific to the category of suspected disability, as indicated by the eligibility chart in Appendix A.

For SLD, Article 7 specifies that the evaluation include the following components (see 511 IAC 7-41-12(b)): 1) an assessment of current academic achievement, 2) an observation of the student in the general education setting, 3) educationally relevant medical information, 4) social and developmental history, 5) assessment of progress including analysis of any interventions that have been provided, and 6) any other assessments needed to address exclusionary factors, determine eligibility, or inform development of an IEP. Local staff determines what specific instruments and tools are used to fulfill the above evaluation components based on the needs and characteristics of the student. Existing information and data can be used to fulfill evaluation requirements, as determined appropriate by the multidisciplinary team. While it is essential that an educational evaluation is compliant with Article 7 requirements, it is also crucial that the evaluation be conducted in such a way that relevant and meaningful information is collected and used to develop educational programming (e.g., an individualized education program (IEP) if eligible or intervention/instructional plan). The educational evaluation should also help to explain why the student did not respond to prior instruction and intervention.

An educational evaluation must be compliant with Article 7 requirements, and should be conducted in such a way that relevant and meaningful information is collected and used to develop educational programming.

The above evaluation information informs decisions regarding eligibility. When determining whether a student is identified as an eligible student for special education under the category of SLD, the multidisciplinary team must consider four elements that are specific to SLD. A fifth element regarding adverse effects on educational performance is required as part of all eligibility decisions. Four of the elements include determining that the student meets the two inclusionary criteria of the SLD definition while ruling out the two categories of exclusionary factors for the SLD category. The two **inclusionary criteria** require the multidisciplinary team to:

1. determine whether the student ". . .does not achieve adequately for the student's age or to meet state approved grade level standards in one or more areas. . ." (i.e., basic reading skills, reading fluency skills, reading comprehension, written

expression, listening comprehension, oral expression, mathematics calculations, and mathematics problem solving) ***and***

2. identify evidence of a specific learning disability through either an insufficient progress approach or a pattern of strengths and weaknesses approach [511 IAC 7-41-12(a)(1) and (2)].

The two **exclusionary factors** require the multidisciplinary team to:

1. rule out that the student's lack of adequate academic achievement and/or performance is not due to a lack of appropriate instruction as evidenced through data and documentation **and**
2. determine that the student's lack of adequate academic achievement and/or performance is not evidenced through other disabilities, cultural factors, environmental or economic disadvantage, or limited English proficiency [511 IAC 7-41-12(a)(3)].

When identifying a student with a SLD, it is critical to define the *specific* nature of the learning disability that manifests itself for that particular student. As previously stated, skill deficits can be evidenced in one of eight areas (i.e., oral expression, listening comprehension, written expression, basic reading, reading fluency, reading comprehension, mathematics calculations, or mathematics problem solving). Determining the academic area of difficulty can assist in understanding the student's specific needs, identifying the appropriate services and supports, and setting appropriate goals and corresponding progress monitoring practices. While it is possible for a student to demonstrate academic deficits in more than one of the above areas, the multidisciplinary team should conduct a comprehensive evaluation designed to identify the specific nature of the learning disability. Such evaluation information will assist with making accurate and appropriate eligibility decisions.

A fifth element to be considered is whether the student's identified disability **adversely affects academic achievement and/or functional performance** such that special education and related services are needed. This requirement is explicit in Article 7's definition of eligibility and applies to all special education eligibility categories (511 IAC 7-32-34(1)). Additionally, adverse effects is defined as "a consistent and significant negative impact on: (1) the student's: (A) academic achievement; or (B) functional performance; or (2) both the student's academic achievement and functional performance (511 IAC 7-32-5). This is an essential final element of eligibility determination because it ensures that the data supporting the preceding elements manifests in significant and observable difficulties in academic or functional performance. Further, this element emphasizes the student's specific educational needs which impact decisions about

curriculum, instruction, environment thus informing the development of the student's IEP services and placement.

Comprehensive and Coordinated Early Intervening Services (CCEIS)

Additional requirements are necessary if a student is/has been receiving interventions as part of CCEIS and RtI. CCEIS are provided to students who are not identified as being eligible for special education services but have exhibited a need for additional academic and/or behavioral supports within the general education environment (511 IAC 7-40-2). While parental permission is not required for students to receive intervention, it is important to have parents involved in the intervention process as much as possible. However, *written notice* of intervention must be provided to a parent whose child participates in a process that assesses the student's response to scientific, research based intervention when the student requires such an intervention that is not provided to all students in the general education classroom (511 IAC 7-40-2(f)). The written notice must including the following:

> *Written notice of intervention must be provided to a parent whose child participates in a process that assesses the student's response to scientific, research based intervention when the student requires such an intervention that is not provided to all students in the general education classroom.*

a) the intervention services, including type and amount of data to be collected to measure the student's progress;

b) the specific research-based strategies selected to increase the student's rate of learning to grade level;

c) the stipulation that during the provision of these interventions, the parent maintains the right to request at any time an educational evaluation to determine special education; and

d) the procedures for the school to initiate and conduct an educational evaluation if the student fails to make adequate progress after an appropriate period of time (as determined by the school and the parent).

Collaboration between the parent and the school is important during an RtI process. Sharing a common understanding of the intervention process, the assessment data and timelines for implementation, and potential outcomes of the intervention process will foster parent involvement and minimize the potential for misunderstandings. The timeline for intervention implementation and data review as well as the criteria for determining whether adequate progress has been made should be determined prior to intervention delivery. These two pieces of information are critical in any subsequent decisions about the requirement (and need) for a referral for special education evaluation. Documenting such decisions and actions for a student will keep the parents and the school informed and abreast of the student's progress or lack of progress.

Collaboration between the parent and the school is important during an RtI process. Documenting decisions and actions for a student will keep the parents and the school informed and abreast of the student's progress or lack of progress.

If a student receives interventions, as provided in the written notice, the school must initiate an educational evaluation *if* the student fails to make adequate progress after an appropriate period of time. However, unlike the general 50-instructional day timeline for educational evaluations, the school must evaluate a student and convene a case conference committee meeting within 20 instructional days from the date parental consent is received. The reduced 20-instructional day timeline for the evaluation following lack of adequate response to interventions takes into consideration that much information and progress monitoring data will have already been collected regarding the student's achievement before an educational evaluation is even started. Additionally student assessment data and observations conducted during the intervention period, prior to referral for evaluation, may fulfill educational evaluation requirements thus decreasing the amount of data that needs to be collected during the evaluation process and timeline. Further, information collected during the intervention period could have helped school teams to differentiate between skill-based and performance-based difficulties thus addressing an often-cited concern regarding student engagement and motivation.

Districts must not deny referrals or delay initial evaluation procedures for students suspected of having a disability because of RtI implementation (Letter to State Directors of Special Education, 2011).

Federal guidance regarding the impact of RtI on special education evaluation procedures and timelines has been clearly provided. A letter from

the US Department of Education, Office of Special Education Programs (OSEP) to state special education officials explicitly states that districts must not deny referrals or delay initial evaluation procedures for students suspected of having a disability because of RtI implementation (Letter to State Directors of Special Education, 2011). Further, the letter notes that it would be inconsistent with IDEA 34 CFR 300.301 through 300.111 for "an LEA to reject a referral and delay provision of an initial evaluation on the basis that the child has not participated in an RTI framework" (p. 3).

Elements of SLD Determination

The five elements of SLD determination are explained in more detail in the following section.

1. Academic Underachievement. The first inclusionary criterion pertains to academic underachievement which is when the student does not achieve adequately for his/her age or to meet state approved grade level standards in the areas of

i. Oral expression
ii. Listening comprehension
iii. Written expression
iv. Basic reading skills
v. Reading fluency skills
vi. Reading comprehension
vii. Mathematics calculation
viii. Mathematics problem solving.

Academic achievement is defined in Article 7 as meaning "a student's performance in relation to the continuum of the Indiana academic standards, including the foundations to the standards. This may include performance on norm-referenced, criterion-referenced, and other achievement measures" (511 IAC 7-32-2). It is important to note that schools will begin teaching the Common Core State Standards (CCSS) in the 2011-2012 academic year, with full implementation of the CCSS program by 2014-2015.

Determination of underachievement includes a focus on student achievement within the context of age and/or grade-level standards. This involves a normative comparison, to either age or grade standards, that is sometimes referred to as inter-individual. This is in contrast to intra-individual, or within-individual, differences. Significant and normatively discrepant academic skills and performance are an essential component of a SLD. A criterion for "underachievement" is not defined in regulation. However, districts interested in providing a

framework for consistency and shared understanding may want to identify guidelines for this criterion at the local level. A definition of "underachievement" would address considerations such as a) specific scores, percentiles, and/or ranges agreed upon as indicative of underachievement, b) how current assessment data must be, c) the alignment between the assessment information and the specific area(s) of SLD pertinent to the student, and d) whether agreement, or similar findings, "convergence", across multiple assessments is necessary.

2. Evidence of SLD Indicator. The second inclusionary criterion is evidence of the presence of a SLD. This can either be demonstrated through insufficient progress OR a pattern of strengths and weakness (PSW). Article 7 permits the use of either of these approaches. The use of **one** of these approaches occurs at the individual student level such that a multidisciplinary team would not be collecting and interpreting data in regard to both approaches for a given student. The review of existing data and preparation of the written notice of evaluation provides an optimal opportunity for this decision to be made relevant to a specific student so that the appropriate and necessary evaluation components can be included in the written notice. Additionally, IDEA and Article 7 do not provide specific requirements for the use of insufficient progress or pattern of strengths and weakness. Thus, determination of such guidelines at the local level is critical to ensure consistency and shared understandings among school staff and between schools, families, and community agencies/resources.

Insufficient Progress. This approach is available for use when students have participated in an RtI process that included the delivery of scientific, research based interventions and systematic collection of assessment data to document a student's progress. Documentation of the agreed upon timeline and criterion for determining adequate progress is required under CCEIS and the written notice of intervention (511 IAC 7-20-2(f)). When adequate progress is not made, the school is required to initiate an evaluation based on the suspicion of a disability. The subsequent evaluation must be comprehensive in nature and consider all elements of the SLD eligibility determination. Existing data can be used in the process of evaluation to fulfill evaluation requirements and provide needed documentation for any criteria.

The intervention timeline, student progress data and criterion for adequate progress is typically determined by a school team in advance of intervention implementation. During the intervention period, the team collects and analyzes progress monitoring data for the purposes of 1) evaluating the effectiveness of the interventions, 2) informing intervention changes, and 2) determining adequate student progress. Teams use various assessments and guidelines for interpreting assessment data (e.g., 4-point rule) during this intervention process. School teams will also use this information to make decisions about insufficient progress in response to intervention and whether a suspected disability is responsible for the lack of progress. When

insufficient progress is made and a disability is suspected, the school is to initiate a referral for an educational evaluation. The student information collected previously is considered "existing data" that may be utilized during the educational evaluation process.

Once a referral for an educational evaluation is made, the subsequent decisions are regarded as "high-stakes" as they identify the presence of a disability and determine entitlement to special education services. When such high-stakes decisions are made, it is critical that both intervention implementation and assessment practices are of the highest standard and rigor. Thus, when the multidisciplinary team reviews existing information it is important that features of the provided interventions and collected progress monitoring data be considered. This includes features such as (a) is there evidence that the intervention(s) addressed the student's specific areas of need; (b) is there evidence documenting that the interventions were delivered consistently and as planned; (c) is there sufficient and technically adequate progress monitoring data; and (d) does the progress monitoring data indicate normative weaknesses.

When the multidisciplinary team reviews existing information, it is important that features of the provided interventions and collected progress monitoring data be considered.

The above considerations address best practices for the analysis of progress monitoring data (Hixson, Christ, and Bradley-Johnson, 2008; Riley-Tillman and Burns, 2009; McMaster and Wagner, 2007) as well as the importance of intervention integrity and fidelity (Noell and Gansle, 2006; Gansle and Noell, 2007). There is no clear agreement in the empirical literature about the best way to determine whether a student's progress is adequate or sufficient. However, many have proposed using a normative-based method that compares a given student's progress with that of other students either in the class, school, corporation, state, or nation (Lichtenstein, 2008). Such comparisons involve calculating a student's rate of improvement (ROI) and comparing that to the ROI of students in the comparison group. If state or local data is not available, many commercially available progress monitoring measures (e.g., DIBELS, AIMSweb) provide expected rates of progress for students in different grades against which an individual student's slope can be compared.

When determining whether a student's progress is adequate or sufficient, many have proposed using a normative-based method that compares a given student's progress with that of other students either in the class, school, corporation, state, or nation.

Patterns of Strengths and Weakness (PSW). This approach is available for situations such as those in which a) an RtI process has not been implemented at the student's grade level or

particular academic area of difficulty, b) a student has not participated in an intervention process, or c) when existing information and data does not align with the suspected area of SLD. Article 7 511 IAC 7-41-12(a)(2) does not specify the requirements of this approach but does prohibit the use of a severe discrepancy between global cognitive ability and academic achievement to fulfill the requirement. The pattern can be demonstrated in "performance or achievement, or both, relative to: (i) age; (ii) state approved grade level standards; or (iii) intellectual development" (511 IAC 7-41-12(a)(2)). Additionally, this approach requires that the identified pattern be determined "relevant to the identification of a specific learning disability" by the multidisciplinary team or case conference committee.

The existing Article 7 language regarding the PSW approach leaves many decisions to be made at the local level. A clear description of what types of assessments, score criteria, and relevant patterns will be used to fulfill this requirement at the local level (e.g., corporation or cooperative) will be essential for ensuring consistency and shared understanding among staff and between school staff, families, and community agencies/resources. Article 7 does not necessarily prohibit the administration of a cognitive, or intellectual, assessment as part of a SLD evaluation; however, the use of such should be well-informed and justified for the purpose of determining eligibility or planning the student's educational program.

Since the PSW approach is permitted in Indiana as an "alternative research-based approach", it is important that whatever model is selected for use at the local level have an empirical basis. Three models for identifying patterns of strengths and weakness relative to intellectual development are

a) Consistency-Discrepancy Model (Naglieri, 1999),
b) Ability-Achievement Consistency Model (Flanagan, Ortiz, Alonzo, 2007), and
c) Concordance-Discordance Model (Hale & Fiorello, 2004).

The Ability-Achievement Consistency Model and the Concordance-Discordance Model have recently been integrated into what is referred to as Hypothesis-Testing CHC Approach (HT-CHC; Flanagan, Fiorello, & Ortiz, 2010). The HT-CHC model was developed specifically for use in schools that are implementing a multi-tiered RTI process. These models all emphasize three general principles related to SLD evaluation and identification including:

1. a reliance on measurement of specific cognitive abilities or processes instead of a general, full-scale score or intellectual quotient (IQ),
2. average, or near average, levels of performance in most academic and cognitive ability areas with normative, inter-individual, weakness in isolated academic and cognitive ability areas, and

3. a match, or alignment, between cognitive and academic weaknesses that are considered relevant to the specific nature of the suspected learning disability.

One model for identifying PSW relative to academic performance is that proposed by Fletcher, Lyon, Fuchs, and Barnes (2007). This model emphasizes intra-individual strengths and weaknesses in the academic achievement domains and the identification of "marker" variables that are considered indicative of a specific learning disability.

In order to ensure reliable and valid SLD identification practices at the local level, it is critical that a specific model for PSW be selected and explicitly operationalized.

In order to ensure reliable and valid SLD identification practices at the local level, it is critical that a specific model for PSW be selected and explicitly operationalized. In the past, there has been significant and ongoing concern about the lack of consistency in school-based practices related to SLD identification. Many advances have been made in terms of empirical evidence and federal and state regulations; however, many decisions must be made at a local level to ensure that future practices are indeed an improvement upon those of the past.

It is crucial that school leadership assess its current RtI program and the appropriateness of its program for use of SLD determination.

The selection of which approach (insufficient progress or PSW) is most appropriate for a given student is influenced by several factors related to the larger school-based implementation of response to intervention. Unlike some states, Indiana left the decision about the use of Insufficient Progress or PSW to the local level. Indiana does not provide any specific state law requirements in the implementation of RtI for school districts, but does provide a guidance document aimed to assist schools in implementing RtI (IDOE, 2010). According to that document the purpose is to provide a set of common principles of RtI along with explanations of its core characteristics; however, it refrains from requir-ing any specific plan from a school district in order to implement RtI or apply the insufficient progress approach as part of SLD identification. Therefore, it is crucial that school leadership assess its current RtI program and the appropriateness of its program for use of SLD determination.

In the absence of state regulation and policy, the decision regarding the use of the Insufficient Progress or PSW approach can be made at the local level. Local policy could require one specific approach as part of SLD identification or leave the decision about which one is most appropriate for a given student to the multidisciplinary team. Requiring the use of Insufficient Progress approach may be challenging because of the variability in RtI implementation that

often exists across grade level and academic area. RtI has typically been implemented first at the elementary level to address student achievement in reading. Implementation at the secondary level and in other academic areas (e.g., math, writing, oral expression, and listening comprehension) may not be as well developed or consistently implemented. It is permissible for districts to utilize the Insufficient Progress approach as part of SLD determination at the elementary level and a PSW approach at the secondary level. (OSEP, Letter Massanari 2007).

Requiring the use of Insufficient Progress approach may be challenging because of the variability in RtI implementation that often exists across grade level and academic area.

A district policy requiring the use of the Insufficient Progress approach may find multidisciplinary teams without the amount, type, and quality of intervention and progress monitoring data necessary to inform the decision about the presence of a SLD. Likewise, a district policy requiring the use of the PSW approach as part of SLD identification may not permit multidisciplinary teams to fully use valuable existing information. This can lead to a overly resource-intensive evaluation process, including the loss the instructional time for the student. Thus, the decision about which approach (Insufficient Progress or PSW) to use for this one criteria of SLD identification may best be made by the multidisciplinary team on a case-by-case basis. The decision should be made based on the availability of the necessary existing information and the suspected area of SLD eligibility and prior to the provision of the written notice (of evaluation) for consent.

Another frequent concern arises when deciding which option to utilize for SLD determination when the request is for an educational evaluation of parentally-placed nonpublic school students (including students that are home schooled). Utilizing the Insufficient Progress approach for the SLD indicator criteria in the nonpublic school environment may depend on the sophistication of a nonpublic school's RtI program. The public school's multidisciplinary team can consider the option of using the PSW approach. Additionally, it is beneficial for public schools, during the yearly consultation meetings with the nonpublic schools, to discuss their RtI program with nonpublic schools. Nonpublic schools may appreciate the collaboration with the public schools and any educational opportunities in RtI and the use of a comprehensive RtI program for SLD determination.

3. Exclusionary Factors: Disabilities, English Proficiency, and Culture. The first set of exclusionary factors that must be considered pertain to a student's language proficiency and cultural background as well as the possibility of disabilities other than SLD. Article 7 (511 IAC 7-

41-12(a)(3)) requires that the following be ruled out as the primary cause(s) of the student's learning difficulties and academic underachievement:

(A) A visual, hearing, or motor disability,
(B) A cognitive disability,
(C) An emotional disability,
(D) Cultural factors,
(E) Environmental or economic disadvantage, and
(F) Limited English proficiency.

The multidisciplinary team gathers evidence to assist in the determination of whether the above factors are applicable for a particular student. The evidence could be part of existing information or collected during the evaluation process. There is no legal requirement that an in-depth evaluation of any of these areas occur if it is not judged appropriate or necessary by the team. However, the educational evaluation must be comprehensive enough to address these factors and determine the need for additional information. For example, the multidisciplinary team might plan to address the emotional disability exclusionary factor through a review of educational records, teacher interview, and a social/developmental history. If this information indicates a need for a more in-depth consideration of this factor, it might be necessary for additional assessments (e.g., rating scales) to be conducted. If not included on the initial written notice (of evaluation), this additional assessment would need to be added to the notice and parent consent obtained. See Appendix B for a non-exhaustive list of possible data sources for these exclusionary factors.

Decisions regarding the presence of SLD for English Language Learners is especially complex and requires the careful consideration of numerous factors (Rhodes, Ochoa, & Ortiz, 2005). For example, the student's level of proficiency in both English and native language(s) should be considered and assessed as needed. This includes not only the student's social and basic communication skills but also their academic and cognitive language skills. In addition, the student's educational and developmental experiences and history should be considered. Specifically, this includes the appropriateness of core instruction and any interventions provided to address the student's learning difficulties. Instruction and interventions should be linguistically and culturally appropriate for the student and progress should be monitored by comparing growth to linguistically-similar peers. Additionally, it is important that appropriate assessment instruments be used during the evaluation process and that cultural and linguistic influences on the obtained results are considered (Rhodes, Ochoa, & Ortiz, 2005).

4. Exclusionary Factors: Lack of Appropriate Instruction. The final exclusionary factor that needs to be considered is that of appropriate instruction. Article 7 (511 IAC 7-41-12(a)(3)) requires that this exclusionary factor be ruled out as the primary cause of the student's learning difficulties and provides the following requirements regarding evidence of such:

(G) Lack of appropriate instruction in reading or math evidenced by the following:

(i) Data demonstrating that prior to, or part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel.

(ii) Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

Again, the multidisciplinary team must determine the degree to which this exclusionary factor contributes to a student's academic difficulties and underachievement. IDEA 2004 and Article 7 emphasize two components related to this exclusionary factor. The first component is that the student was provided appropriate instruction by qualified personnel either prior to or during a period of intervention delivery (e.g., tiers 2 and 3). As part of an educational report, data documenting this component is collected and presented as part of the existing information and educational history. Such documentation could include evidence of the school's use of scientifically-based curriculum and instruction in the essential components of reading and mathematics and instructional delivery by personnel whose credentials demonstrate that they meet the highly qualified requirements of the Elementary and Secondary Education Act (ESEA).

Procedures and protocols for documenting the provision of appropriate instruction is best developed at the local level such that there is consistency of practice at the district and building level. The following are examples of ways in which such information can be documented:

a. Observation of teachers' delivery of instruction through routine classroom visits and more formal observations conducted on a regular basis during the instructional period for the targeted content/subject area,
b. Checklists of integrity of instruction completed by teachers as self-check measures,
c. Checklists of integrity of instruction completed among teachers as peer-check measures, and
d. Checklists completed by content specialists or curriculum coaches working with classroom teachers.

It is also important that the multidisciplinary team collects documentation of any supplemental interventions supported by scientific research, based on the problem solving approach, and aligned to the student's needs. Such documentation could include evidence that the staff implementing the supplemental interventions was adequately trained and demonstrated proficiency with the interventions and that the planned interventions were delivered with a high degree of integrity at the needed level of intensity (e.g., frequency, length of time, group size). Self-report checklists, observations, and materials documenting the intervention activities could all provide evidence of intervention integrity implementation.

The responsibility to ensure that low achievement is not a function of this curriculum mismatch and/or lack of effective instruction rests with the local school district. This is important because a student should not be identified as having a disability or being eligible for special education services unless appropriate instruction and intervention has been provided and evidenced to be insufficient to ensure the student's academic progress and performance. Low academic achievement is not indicative of a SLD if appropriate curriculum choice and delivery of effective instruction cannot be demonstrated. If it is determined that there has not been a sufficient provision of appropriate instruction, these features should be put in place for the student to determine whether they will result in improved academic performance.

The second component of this exclusionary factor calls for documentation of repeated assessments of student progress during instruction that is conducted at reasonable intervals and is provided to the student's parents. There has been no definition of repeated assessments or reasonable intervals at the federal or state level, especially because RtI models vary in design and implementation (Cernosia, 2010). Evidence for this requirement could include student performance data collected during a systematic process that involves universal screening and periodic benchmarking. Universal screening refers to data that are collected on all students within a given grade, school, or district. Data is collected on academic skills that are critical at the given grade level for determining risk status and need for intervention. Universal screening data is generally collected at the beginning of the school. Subsequent assessments of student performance, sometimes referred to as benchmarking, often occur two or three more times during the school year to monitor progress, evaluate the effectiveness of instruction, and identify students who may be in need of supplemental interventions. Collectively, this student performance data could provide evidence necessary to address the exclusionary factor of lack of appropriate instruction. Student performance data is necessary when determining that a student's academic difficulty and underachievement is due to a SLD and not instructional history.

5. Adverse Effects. As a final consideration of eligibility, the multidisciplinary team is also required to provide evidence to the case conference committee whether or not the suspected disability "adversely affects educational performance". As previously discussed, this means a consistent and negative impact on the student's academic and/or functional performance. For a student with a SLD, impact on academic performance would be expected. This final consideration is critical because it considers all of the data and evidence used to address the preceding four elements but also considers any other pertinent information in an effort to connect the student's areas of difficulty and strength with their educational needs, programming, and services.

Possible sources of evidence regarding the impact of the student's disability on their academic or functional performance includes the following items (the list is non-exhaustive):

- state testing,
- district testing (e.g. NWEA, M-Class, Acuity),
- formative assessment (e.g. DIBELS, Aimsweb, CBM, benchmarks & progress monitoring),
- grade retention,
- report card grades,
- discipline records (e.g, type, frequency, suspensions/expulsions),
- nurse/health room visits,
- truancy (e.g, school, class),
- level of curriculum (advanced, remedial, etc.),
- amount of teacher support required,
- amount of time and assistance needed to do homework,
- amount of time needed for in-class work,
- intervention history, and
- motivation history.

Educational Evaluation Report for Specific Learning Disability

Article 7 (511 IAC 7-40-5(a)) requires that the multidisciplinary team prepare an educational evaluation report to be used by the case conference committee to determine eligibility and, if found to be eligible, to provide information about the student's special education and related service needs. An educational evaluation report is required for any initial and reevaluations

conducted under the guidelines of Article 7. The educational evaluation report is to address the necessary components of evaluation, per 511 IAC 7-41, for a given student's suspected disability. For SLD, those evaluation components are detailed in 511 IAC 4-41-12(b) and include the following:

(1) An assessment of current academic achievement as defined at 511 IAC 7-32-2.
(2) An observation of the student in the student's learning environment, including the general classroom setting, to document the student's academic performance and behavior in the areas of difficulty. The multidisciplinary team may do either of the following:

A. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an educational evaluation.
B. Have at least one (1) member of the multidisciplinary team, other than the student's general education teacher, conduct an observation of the student's academic performance in the general education classroom after: (i) the child has been referred for an educational evaluation; and (ii) parental consent for the educational evaluation has been obtained. In the case of a student of less than school age or out of school, a team member must observe the student in an environment appropriate for a student of that age.

(3) Available medical information that is educationally relevant.
(4) A social and developmental history that may include, but is not limited to, the following:

(A) Communication skills.
(B) Social interaction skills.
(C) Responses to sensory experiences.
(D) Relevant family and environmental information.
(E) Patterns of emotional adjustment.
(F) Unusual or atypical behaviors.

(5) An assessment of progress in the general education curriculum that includes an analysis of any interventions used to address the academic concerns leading to the referral for the educational evaluation.
(6) Any other assessments and information, collected prior to referral or during the educational evaluation, necessary to:

(A) address the exclusionary factors listed in subsection (a)(3);
(B) determine eligibility for special education and related services; and
(C) inform the student's CCC of the student's special education and related services needs.

Fulfilling the above evaluation requirements will provide the necessary data and information to address the four elements of eligibility criteria discussed previously. The decision about what specific assessment instrument or procedure to use is made by the multidisciplinary team based upon the specific questions, concerns, and history of the student being evaluated.

In addition to the general requirement for the educational evaluation report, Article 7 requires additional information in the evaluation report when a student is suspected as having a SLD. According to Article 7, 511 IAC 7-40-5(g), the educational evaluation report must include the following:

> (1) For a student who has participated in a process that assesses the student's response to scientific, research based interventions:
>
> > (A) documentation of previous parent notification about:
> >
> > > (i) the:
> > >
> > > (AA) amount and nature of the student performance data that would be collected; and
> > >
> > > (BB) general education services that would be provided;
> > >
> > > (ii) strategies for increasing the student's rate of learning; and
> > >
> > > (iii) the parent's right to request an educational evaluation to determine eligibility for special education and related services; and
> >
> > (B) the:
> >
> > > (i) instructional strategies used; and
> > >
> > > (ii) student centered data collected.
>
> (2) A synthesis of the required educational evaluation components in 511 IAC 7-41-12 in relationship to the following:
>
> > (A) Whether the student:
> >
> > > (i) does not achieve adequately for the student's age or to meet state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when provided with learning experiences and instruction appropriate for the student's age or state grade level standards; and
> > >
> > > (ii) meets either of the following criteria:
> > >
> > > (AA) The student does not make sufficient progress to meet age or state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when using a process based on the student's response to scientific, research based intervention.
> > >
> > > (BB) The student exhibits a pattern of strengths and weaknesses in performance or achievement, or both, relative to age, state grade level

standards, or intellectual development, that is determined by the multidisciplinary team to be relevant to the identification of a specific learning disability. The multidisciplinary team is prohibited from using a severe discrepancy between academic achievement and global cognitive functioning to meet this requirement.

(B) The effects of any of the following factors on the student's achievement:

(i) Visual, hearing, or motor disability.

(ii) Cognitive disability.

(iii) Emotional disturbance.

(iv) Cultural factors.

(v) Environmental or economic disadvantage.

(vi) Limited English proficiency.

(C) Whether the multidisciplinary team believes the student has a specific learning disability and the basis for having that opinion. The opinion of the multidisciplinary team is utilized by the CCC to determine whether the student is eligible for special education. Each member of the multidisciplinary team must certify in writing whether the educational evaluation report reflects the member's opinion. If the report does not reflect the member's opinion, the member must submit a separate statement presenting the member's opinion.

The final requirement for a written certification is unique to SLD and includes both the team members' opinion regarding eligibility and the reasoning or justification for that opinion. The certification is provided to the case conference committee by the multidisciplinary team and should be prepared with the educational evaluation report. There is no state-approved or –provided SLD written certification document. An example template that is organized by the five elements of eligibility determination is in Appendix C. This template could be used to list the local requirements/expectations for each of the five elements. Multidisciplinary teams could then use the document to indicate which requirements were met for a given student thus documenting the basis for their opinion regarding eligibility. A sample completed checklist is also provided as an example; however, it is important to note that the content or "requirements" need to be specified at the local level.

Frequently Asked Questions

The following questions were provided by Indiana school personnel in response to an online statewide survey on SLD conducted in the fall 2010. Survey responses were submitted by 105 individuals with 39% school counselors, 26% school psychologists, 22% school social workers, 6% special education teachers, and 4% special education administrators. Responses were received from across Indiana with the following percentages by region: 13% northwest, 19% northeast, 38% central, 14% north central, 6% southeast, and 10% southwest. Submitted questions were combined, slightly re-worded slightly, and organized to include the following list. Questions pertaining to overall RtI implementation or areas of disability other than SLD were not included in this document.

1. **How do you set an appropriate goal for progress during instruction and intervention?**

   At tiers 1 and 2, the desired outcome, or goal, should be grade-level expectations and performance. This can be defined as a set criterion on one (or more) student assessments. Many assessments include normative-based criterions (sometimes called benchmarks) for performance. For example, the end-of-year oral reading fluency goal for 2nd grade students may be 90 words read correctly (WRC) per minute. This criterion of 90 WRC has been set based on research and technical reports showing that students who perform at this level at the end of 2nd grade have a high percentage of later academic success in reading. While grade-level expectations are the ultimate goal, it is important for school teams to consider the balance between high expectations and realistic progress. If goals do not reflect high expectations, they may be set too low and even if achieved may continue to allow below-grade level performance to be acceptable and perceived as growth and progress. However, for students who are performing significantly below grade level and are in need of individualized interventions at Tier 3, additional considerations may be appropriate. Setting grade-level expectations and goals may be unrealistic and make it difficult to monitor progress in a meaningful way if assessment materials are too difficult thus making any amount/type of progress difficult to document. Shapiro (2008) outlines suggestions for goal setting at the individual student level when skills are significantly below grade placement. A complete overview of this chapter is not possible in this document so the interested reader is encouraged to access that resource directly. Goal setting for such an individual student might begin

with identifying the appropriate instructional level for the student. This can be done in various ways; one suggested approach is to conduct a survey level assessment (SLA; Shinn, 2008) which entails administering assessment tasks at successively lower grade levels to identify the instructional level of the student. The student can then be monitored at both his/her instructional level and grade level. While such a student may still be evaluated against grade level standards on some assessments, monitoring their progress within the instructional level will allow the student to demonstrate some success and growth when provided with sufficient and appropriate intervention. When setting a goal for such a student, it is important to consider the rate of growth needed in order for him/her to catch up with peers and ultimately achieve at their enrolled grade level. An accelerated rate of growth will be necessary and normative rate of improvement (ROI) data to set reasonable and ambitious rates of growth can be helpful in setting such goals.

2. **When a student requires intervention that is not provided to all students in the general education classroom, what parental notification and/or consent is needed and what information should be provided to the parent?**

Although parental consent is not required for the implementation of interventions as part of early intervening services, Article 7 requires written parent notification when a student requires an intervention that is not provided to all students in the general education classroom (see 511 IAC 7-40-2(f). The written notification must include (a) the amount and type of data that will be collected to document the student's progress, (b) the services and evidence-based strategies that will be used to increase the student's rate of learning to grade level, (c) the timeline for intervention implementation and review of progress monitoring data, (d) the parental right to request a special education evaluation, and (e) an explanation that the school will request a special education evaluation if the student fails to make adequate progress after an appropriate period of time as determined by the parent and the school. See question #3 for additional information on parental involvement in the RtI process.

3. **When preparing to provide a student with intervention(s) and provide parent written notification, what information should be considered and what decisions should be made by the school and parent(s)?**

When planning interventions and preparing the written parent notification, it is important that the information about the student's prior instructional history, learning

performance, strengths, and specific needs be considered. This will assist in determining the appropriate focus and intensity of the interventions. While parent participation in the intervention process is not required, including parents as active participants in the discussion and decision making is important and ensures shared understanding and decreases the potential for misunderstandings.

When planning interventions, it is important that the school and parents work together to make decisions that will assist in determining whether interventions have been effective in meeting the student's needs. This includes specifying the outcome (or goal), timeline for intervention implementation, the necessary progress monitoring data, and a criteria for determining whether adequate progress has been made. These are important considerations because it provides a foundation for implementing interventions and interpreting the progress monitoring data. In addition, determining the decision rules that will be used to interpret the progress monitoring data is also essential and requires the professional knowledge and judgment of school staff. Both of these items should be part of the discussion that occurs during the problem solving process. The decision to initiate a request for educational evaluation per Article 7 is made when the student fails to make adequate (as defined by the school and parents) progress *toward* an identified goal/outcome within an appropriate period of time; it does not require that the goal be reached. A clear and shared understanding of the criterion for a lack of adequate progress for a specified student will help school staff and parent(s) work together during the intervention and problem solving process; thus decreasing the potential for misunderstandings and disagreement. In the event that progress monitoring data doesn't indicate the desired progress over the specified time period, then the school would be responsible for initiating a request for educational evaluation.

4. **If a parent requests an educational evaluation after receiving notification of intervention, does the school have to complete interventions and progress monitoring during the timeframe of the testing window? If not, what is the correct response when parents ask why we cannot determine eligibility once the testing is completed?**

When a parent requests an educational evaluation, the school has two options: (a) to agree to conduct or (b) to refuse to conduct the evaluation. There are procedural requirements and timelines that apply to each decision option. If the school agrees to conduct the requested evaluation AND there is no data indicating a lack of response within the specified timelines, then the evaluation would occur on the 50-day timeline.

Interventions should continue to be implemented and monitored as specified in the intervention plan given that the school determined the need for such supports prior to parental request. A request for evaluation should not generally lead to a discontinuation of supplemental interventions. The case conference committee's decision regarding eligibility is based on a variety of information and data and the absence of evidence of insufficient progress in response to interventions doesn't necessarily result in a denial of eligibility as schools may utilize evidence of a pattern of strengths and weakness as part of the decision making process. The school does have the option to refuse to conduct the evaluation, although a statement explaining why and how this decision was reached must be provided to the parent as part of the written notice of evaluation. Additionally, schools are cautioned against refusing to conduct an evaluation solely on the basis of lack of progress monitoring data from an RtI process.

5. **Can a student with an IEP receive intervention for an academic or behavioral concern not addressed through the specified special education and related services, and if yes, what is the process?**

Yes, a student with a disability can participate in targeted and intensive interventions to address his/her needs. A case conference committee (CCC) might identify new or additional concerns regarding academic achievement or functional performance while conducting the annual case review. Such concerns could be addressed in a revised IEP or through the student's involvement in intervention. Information gleaned during an intervention, or RtI process, could be used to inform the CCC about the student's needs and develop an IEP to address those needs. No new or additional eligibility category determination is needed in order to develop an appropriate IEP in this situation. If the CCC decides that additional or different eligibility determination is necessary, the reevaluation needs to occur on the 50-day timeline. Similarly, any evaluation that results from the student's lack of sufficient progress in the RtI process is a reevaluation and would be subject to the 50-day timeline.

6. **Does the written notice of early intervening services or intervention apply to eligibility categories besides SLD?**

Yes, the notification of intervention is provided at the onset of individualized intervention and before any disability is suspected. Therefore, the notification does not apply exclusively to the eligibility category of specific learning disability (SLD). In fact, the notification is part of early intervening services (511 IAC 7-40-2(f)) which applies to

both academic and behavioral supports. A lack of response to intervention could be due to a variety of factors, including a disability. Thus, it is essential to have comprehensive information about a student as well as a school intervention team that is knowledgeable and qualified to sort out the various factors and identify the possibility of a suspected disability.

7. **Are RtI and early intervening services optional?**

Per Article 7, coordinated and comprehensive early intervening services (CCEIS) are optional unless a school is required to provide early intervening services due to disproportionality in special education. CCEIS are provided to students who need academic and behavioral supports to be successful in the general education setting but have not been identified as a student with a disability. Many schools are using a systematic process of intervention and progress monitoring, referred to as response to instruction/intervention (RtI) as part of early intervening services. Schools may use up to 15% of IDEA Part B dollars to support early intervening services; however schools with signification disproportionality are required to use these funds for this purpose. The Indiana Department of Education's Guidance Document on Response to Instruction (RtI) provides more information about the RtI framework and the implications for all students. Related to special education determination, the use of a solid RtI framework and process is critical for ensuring that students have received appropriate instruction and intervention based upon their learning needs and strengths. This is a central consideration in the special education eligibility determination process to ensure correct and accurate identification of students with disabilities.

8. **When should the written notification of intervention be written and provided to parents?**

511 IAC 7-40-2(f) requires the school to provide written notice of intervention. Question 2 outlines what information must be provided in this notification. The notice of intervention is needed when a student's need for individualized intervention(s) has been demonstrated. The notification would be prepared by the school team developing the student's intervention plan. Although parental consent is not required, parental involvement in the development of the intervention plan is encouraged, and parents should be part of the decision-making process.

9. **What constitutes an "appropriate time period" for intervention and who makes this decision?**

Decisions about the planned duration, number, and intensity of intervention(s) are made together by the school and parent(s) based on an individual student's background, performance data, strengths, and needs. Thus, there is no prescribed length of time for intervention implementation. It is important for teams to consider a variety of factors when discussing time periods for intervention and progress review. One important consideration is the intensity of the planned interventions. This includes features such as the frequency, length of intervention session, skill level of the person providing the intervention, and the focus of the intervention. The more focused, frequent, and specialized the intervention, the more likely change will occur quickly. A second consideration is related to the collection of progress monitoring data. Hixson, Christ, and Bradley-Johnson (2008) recommend having at least 8-12 progress monitoring data points before making a decision about progress or growth. Sufficient time to collect such data needs to be allowed and accounted for as the plan for collecting progress monitoring data is developed. A third consideration is related to the student's current performance level and areas of need. Hixson, Christ, and Bradley-Johnson note that certain skills respond more quickly to intervention than others and that small amounts of progress, especially when significant skill deficits exist, may be difficult to identify with progress monitoring. This highlights the importance of accurately identifying and progress monitoring within a student's instructional level as part of goal setting and evaluating intervention effectiveness.

After interventions have been implemented and progress is being evaluated, it is also important for teams to consider whether the planned interventions were implemented as intended. If, for whatever reasons, the interventions were not delivered as the team thought necessary to achieve the stated progress goals, then additional time might be considered before making a decision that the lack of progress is due to a suspected disability. Lack of implementation with fidelity could be interpreted as lack of instruction.

10. **What type of information can be collected during an intervention period without parental consent?**

511 IAC 7-40-3(b) states that parental consent is not required for: 1) evaluations/assessments conducted with all students, 2) screenings to determine appropriate instructional strategies for curriculum implementation, 3) reviews of existing information, or 4) collection of progress monitoring data. These four exceptions

are quite specific regarding the activities and type of information that do not require parental consent. Federal guidance highlights that parental consent is not required for screening activities because they are not considered an evaluation for determining special education eligibility, while also asserting that screening may not be used to delay an evaluation (OSEP, Letter to Torres 2009).

11. When implementing early intervening services, how do you decide when it is appropriate to refer a student for a special education evaluation?

The decision about when a request for special education evaluation should be made for an individual student depends on his/her intervention plan and the degree of progress that has been evidenced. When a student experiences difficulty for which intervention is needed that is not provided to all students, written notification to inform the parent(s)/guardians is required per Article 7 (511 IAC 7-40-2(f)). The specific requirements of this notification are addressed in question #3 above. This written notice should reflect the collaborative decision on the part of the school and parent(s) regarding what intervention is needed and what progress/outcomes they intend for the student to make in a specified time period. This provides the parameters for the "adequate progress" and "appropriate period of time" elements of the Article 7 requirement for a school to initiate a request for educational evaluation in the event that a student fails to make adequate progress after an appropriate period of time (511 IAC 7-40-2(f)(4)(A)). These parameters should be determined prior to the beginning of individualized interventions and collection of corresponding progress monitoring data so that the school and parents have a guideline by which to evaluate progress after the specified time period.

When progress monitoring data is reviewed, there are a number of approaches for data interpretation that can be considered (see the section on Insufficient Progress). While all approaches involve comparing a student's rate of progress with a *projected* rate of progress, it is important that schools and intervention teams closely consider the adequacy of the data and implementation fidelity of the intervention when making decisions about a student's progress. If the school (preferably, in collaboration with the parent) determines that the desired progress has not been made within the specified timeline, then a request for educational evaluation must be initiated and the evaluation completed within 20 instructional days from the date of receipt of signed parental consent.

12. **If the parent does not respond to a school-initiated request for an educational evaluation following a lack of response to provided interventions, does the student stay in the intervention or continue in core instruction with no further intervention?**

    If a student fails to make adequate progress in the timeline specified by the school and parent(s), then the school must initiate a request for initial evaluation per 511 IAC 7-40-2(f). Article 7 requirements related to seeking and documenting attempts to obtain parental consent are detailed in 511 IAC 7-40-4(j) and 7-40-4(m) and would need to be followed. If parental consent is not obtained, the student could continue to receive targeted interventions as no parental consent for such supplemental support is required. This action would seem to be most supportive of the student's academic growth and achievement.

13. **ISTART7 requires the public agency to identify the area(s) of suspected disability when preparing the written notice for initial evaluation. What is the purpose and intent for this?**

    ISTART7 (and IndianaIEP after June 2011) includes this information to assist with the selection of the necessary evaluation components, which are specific to each disability category. Preparing the written notice for initial evaluation involves deciding what evaluation procedures will be used during the evaluation. This decision is based upon the required evaluation components for the suspected area(s) of disability but also takes into consideration what information already exists and therefore may not need to be collected during the evaluation process. Conducting a review of existing information and determining the needed evaluation procedures is an important process that allows schools to more fully and accurately inform parents about what will be done during the evaluation. This ensures that parents are truly able to provide *informed* consent regarding the specific evaluation procedures that will be conducted.

14. **What are the criteria for RtI (intervention and progress monitoring) when using it to determine the presence of an SLD?**

    While Article 7 does not specify such requirements, school teams and parents(s) may wish to consider the following information when determining the adequacy of such data: (a) is there evidence that the intervention(s) addressed the student's specific areas of need; (b) is there evidence documenting that the interventions were delivered

consistently and as planned; (c) is there sufficient and technically adequate progress monitoring data; and (d) does the progress monitoring data indicate normative weaknesses.

15. **When determining SLD and whether a student meets the criteria of academic underachievement, should we compare a student's performance to that of age level peers or to grade level standards?**

Article 7 states that one condition of determining SLD eligibility is that the student does not achieve adequately for the student's age or to meet state approved grade level standards in one or more of the SLD areas (see 511 IAC 7-41-12(1)). Thus, it is up to the multidisciplinary team to make the decision about which comparison is most appropriate for a given student and what corresponding evidence/data is needed. Grade level standards might be preferred due to the alignment with state learning standards and the availability of state and district assessments providing such data. However, it is important that the multidisciplinary team consider whether such assessments provide specific information for each of the 8 SLD areas. Often times, state and district assessments align more with global academic areas (e.g., Language Arts, Reading) and not specific areas (e.g., basic reading skills, reading fluency, reading comprehension, etc.).

When individualized, norm-referenced measures of academic achievement are used, age-based norms are typically the preferred reference group. This is especially important if academic measures are going to be compared with cognitive measures for the purpose of identifying relevant patterns of strength and weakness. While academic measures do include grade-based norms, cognitive measures do not; thus, a valid comparison across measures would not be possible. Grade-based norms on academic measures are sometimes considered important, especially in situations where the student has been retained. In such situations, academic achievement scores based on grade-based norms could be provided as additional, supplemental information.

16. **Is it necessary for a district to choose between using a pattern of strengths and weakness (PSW) or Insufficient Progress approach for SLD eligibility determination? Can a district select the PSW approach in some cases and the Insufficient Progress approach in others, depending on the individual case? Or must a district select one approach for all cases?**

The decision about which approach (PSW or Insufficient Progress) to use to meet the Article 7 requirement in 511 IAC 7-41-12(a)(2) can be made at the individual student level. It is important to note that this is just one element of SLD eligibility and that a comprehensive evaluation is needed to also address the elements of academic underachievement, exclusionary factors, and adverse effect and need for special education services. Article 7 permits the use of either of these approaches. The use of one of these approaches occurs at the individual student level such that a multidisciplinary team would not be collecting and interpreting data in regard to both approaches for a given student. The review of existing data and preparation of the written notice (of evaluation) provides an optimal opportunity for this decision to be made relevant to a specific student so that the appropriate and necessary evaluation components can be included in the written notice. When making this decision, the multidisciplinary team would consider factors such as the age of the student, the school-wide RtI practices in the student's area of need, availability and quality of intervention and progress data, and the overall presenting concerns regarding student performance. The section on Insufficient Progress in the document provides additional information about this decision.

17. How can the pattern of strengths and weakness approach be used and documented?

The pattern of strengths and weakness (PSW) approach is available for situations in which a student has not participated in an intervention process or when existing intervention information does not align with the suspected area of SLD. The pattern can be demonstrated in "performance or achievement, or both, relative to: (i) age; (ii) state approved grade level standards; or (iii) intellectual development" (511 IAC 7-41-12(a)(2)). In addition, the pattern must be determined relevant to the identification of a SLD by the student's multidisciplinary team or case conference committee. Article 7 does prohibit the use of a discrepancy between global cognitive performance and academic achievement to fulfill the requirement for an identified pattern.

Local special education staff are able to determine the specific requirements of the PSW approach. Consistent practices and eligibility decisions will likely be dependent upon clarity and shared understandings at the local level. Considerations related to what types of assessments, score criteria, and relevant patterns will be used to fulfill this requirement at the local level are essential. While Article 7 does not necessarily prohibit the administration of a cognitive, or intellectual, assessment as part of a SLD evaluation; it is important that the use of such be well-informed and justified for the purpose of

determining eligibility or planning the student's educational program. The section on PSW includes several examples of models that can be used to guide decisions about patterns of performance in intellectual development and/or academic achievement. Each model includes specific guidelines, or principles, regarding specific scores/ranges, alignment between academic and cognitive weaknesses, and necessity of average, or near-average, performance in areas not relevant to the academic difficulty. It is important that all school staff (e.g., school psychologists, special education teachers and administrators, and speech-language pathologists) be knowledgeable and skilled in the use of whatever model is selected and that they explain it clearly and fully to school administrators, teachers, and family members.

18. Is there a difference in the student data that is needed to address the repeated assessment component of the lack of appropriate instruction exclusionary factor and the lack of progress (insufficient progress) approach?

Yes, the necessary documentation for these two elements of SLD eligibility determination is different. The differences pertain to the amount and type of student assessment data. More student assessment data is needed to address the Insufficient Progress criteria than to address the exclusionary criteria of lack of appropriate instruction. This is necessary so that conclusions about a student's rate of improvement can be determined in relationship to expected or normative rates of improvement data. A specific number of data points is not required by Article 7. Question 9 above provides additional information about the amount of data that is recommended for evaluating progress. The type of assessment data needed for these two criteria is also different. While repeated assessment of broad academic areas (e.g., reading) may provide the needed evidence to address the lack of appropriate instruction exclusionary criteria, more skill-specific assessment data would be necessary to determine a student's degree of progress in a specific academic area in which a suspected SLD may be identified. If the multidisciplinary team has selected to utilize the PSW approach for the SLD indicator criteria, the repeated assessment data to address the exclusionary criteria is still necessary. When RtI implementation is still in development for a given academic area or grade level, the data necessary for making a decision about insufficient progress may not be available; thus making PSW the most appropriate approach.

19. If a district is using Insufficient Progress as part of their SLD identification criteria, how can this apply to non-public school students when they do not participate in the same process with the district?

The appropriateness of using the Insufficient Progress approach for the SLD indicator criteria for a nonpublic school student will depend on the sophistication and implementation of the nonpublic school's RtI program. If the needed information is available and provided as part of existing information, then the public school's multidisciplinary team can select that approach. In the event that such information isn't available, the team could consider the option of using the PSW approach.

20. How should SLD evaluations and eligibility decisions be made when the non-public schools are not implementing RtI?

Non-public schools are not required to implement RtI as a prerequisite to referring a student for evaluation. Thus the public school cannot refuse to conduct or delay the evaluation solely because the non-public school is not implementing, or declines to implement, an RtI process. Further, if an RtI process is not used in a non-public school, the MDT may need to rely on other information collected by the non-public school to determine: a) whether the student responded to appropriate instruction and b) what additional assessment information is needed (OSEP, Letter to Zirkel 2011). While this information may not be the same as what is available within the public school, it is important to note that RtI data is just one component of a full and individual evaluation, and additional information will need to be collected, as necessary, to inform the CCC's decision about eligibility. Developing a good working relationship with the non-public school, including collaborating and sharing professional development activities around RtI, may promote the non-public school's use of an RtI process. At a minimum, it may assist the non-public school in collecting appropriate data and information that can be used as part of the educational evaluation.

21. What is the role of different multidisciplinary team (MDT) members when RtI data is used as part of SLD eligibility determination?

Article 7 defines the required multidisciplinary team members when the suspected disability is SLD (511 IAC 7-32-65). The required members are a teacher licensed in the area of the suspected disability, a school psychologist, and a general education teacher. While the MDT will obtain information from a non-public school general education

teacher and/or the student's parent, the responsibility for providing an appropriate MDT and conducting an evaluation is that of the school corporation.

Article 7 does not speak to each member's role or the process through which the multidisciplinary team prepares the educational evaluation report or the written certification for SLD. Locally, team members' roles will be determined based upon the availability and expertise of staff. Some districts have found it helpful to identify a multidisciplinary team "leader" who assists with seeking each team members' input and team consensus regarding SLD eligibility. This is especially important given the requirement for written certification of the team's opinion.

22. How can schools best evaluate and differentiate the eligibility categories of Language Impairment and Specific Learning Disability in Oral Expression and/or Listening Comprehension?

Efforts to accurately determine eligibility under the categories of Language Impairment (LI) and Specific Learning Disability (SLD) in Oral Expression and/or Listening Comprehension require careful consideration by multidisciplinary teams (MDT) and case conference committees (CCC). Given the absence of clarity and guidance in the literature, practices at the local level should be thoughtful and collaborative. It is important that the MDT be comprised of professionals with the necessary knowledge and skills to collect and interpret the evaluation information. The MDT requirements in Article 7 are minimum requirements; however membership can (and should) be expanded to include any other licensed professionals essential for completing a comprehensive and appropriate evaluation. For identification of a Specific Learning Disability, Article 7 requires that the MDT include the school psychologist, the general education teacher, and a teacher/specialist licensed in suspected disability. In the case of a suspected Specific Learning Disability in Oral Expression and/or Listening Comprehension, the speech language pathologist (SLP) is a key member of the MDT as he/she is uniquely trained to identify language deficits across the age-span with the potential to impact one's ability to use language to learn and socialize effectively.

Considerations about possible SLD and LI are complex and multi-faceted. Comprehensive evaluation practices should address the possibility of both eligibility areas and the associated academic areas of reading, written expression, oral expression, and listening comprehension as they all have the potential to impact academic performance. Additional considerations include the age and language history and

proficiency of the student. In cases where young children are overtly struggling to acquire their primary and first language, determination of a Language Impairment is typically clear to an informed MDT and CCC. However in other cases, students may demonstrate expressive and receptive language skills that appear sufficient for social communication yet have specific language deficits that may be a primary source of a student's inability to use Oral Expression skills and Listening comprehension skills to advance academically. Oftentimes, these specific deficits occur without co-existing cognitive disabilities. Further, the natural second language acquisition process of English Language Learners is sometimes misunderstood as language and/or learning difficulties. Proficiency in the student's first, or native, language needs to be assessed and considered when concerns about learning difficulties exist. Again, having the right members of the MDT involved in planning and conducting the evaluation is essential and foundational to assisting the case conference committee in determining the most appropriate eligibility determinations (SLD, LI, or both) and, if eligible, special education services.

References

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Appendix A: Eligibility Chart

Eligibility Chart: This chart Illustrates the assessment components that are minimally required to be synthesized in an educational evaluation for each suspected disability as articulated in Rule 26. If more than one disability is suspected then multiple columns would be considered.

511 IAC 7-41	**-1 AUT**	**-2 BLV**	**-3 COG**	**-4 DHH**	**-5 DB**	**-6 *DD**	**-7 ED**
(1) Development: Assessment of development areas						(b)(1)	
(2) Cognition: Assessment of cognitive ability and functioning (norm referenced or criterion referenced)			(e)(1)(A)				
(3) Academic Achievement Assessment of current academic achievement as defined in 511 IAC 7-32-2	(c)(1)(A)	(b)(1)(A)	(e)(1)(B)	(b)(1)(A)	(d)(1)(A)		(b)(1)(A)
Assessment of progress and interventions							
Observation to document academic progress and behaviors in areas of difficulty							
(4) Functional Performance or Adaptive Behavior							
Assessment of functional skills or adaptive behavior across various environments from multiple sources	(c)(1)(B)	(b)(1)(B)	(e)(1)(c)	(b)(1)(B)	(d)(1)(B)		
Assessment of emotional and behavioral functioning							(b)(1)(B)
Functional Behavioral Assessment (FBA)							(b)(3)
Systematic observation across various environments	(c)(3)	(b)(4)			(d)(2)	(b)(5)	
(5) Communication Skills							
Assessment of communication…in mode of student				(b)(1)(C)	(d)(1)(C)		
Assessment of the student's receptive, expressive, pragmatic and social communication	(c)(1)(C)						
Assessment of articulation, fluency, and voice							
Observation of student's speech by an SLP							
Assessment of functional literacy		(b)(3)(B)			(d)(1)(E)		
(6) Motor and Sensory Abilities							
Vision and hearing screening						(b)(4)	
Assessment of function vision		(b)(3)(A)			(d)(1)(D)		
Assessment of motor skills and sensory responses	(c)(1)(D)						
Assessment of motor skills including travel skills		(b)(5)			(d)(4)		
Written report form an optometrist or ophthalmologist		(b)(6)			(d)(5)		
Written report from an educational or clinical audiologists, otologist, or otolaryngologist				(b)(3)	(d)(6)		
Statement from a physician if an organic cause suspected							
(7) Available Educationally Relevant Medical Information						(b)(3)	(b)(4)
Available mental health information							(b)(4)
(8) Social and Developmental history	(c)(2)	(b)(2)	(e)(2)	(b)(2)	(d)(3)	(b)(2)	(b)(2)
(9) Any other assessment or information necessary to determine eligibility and inform the CCC	(c)(4)	(b)(7)	(e)(3)	(b)(4)	(d)(7)	(b)(6)	(b)(5)

Eligibility Chart: This chart Illustrates the assessment components that are minimally required to be synthesized in an educational evaluation for each suspected disability as articulated in Rule 26. If more than one disability is suspected then multiple columns would be considered.

511 IAC 7-41	**-8 LSI**	**-9 (MU)**	**-10 OHI**	**-11 OI**	**-12 SLD**	**-13 TBI**
(1) Development: Assessment of development areas						
(2) Cognition: Assessment of cognitive ability and functioning (norm referenced or criterion referenced)		(b)(1)(A)				(c)(1)(A)
(3) Academic Achievement Assessment of current academic achievement as defined in 511 IAC 7-32-2	LI(e)(1)(B) SI(f)(1)(B)	(b)(1)(B)	(b)(1)(A)	(b)(1)(A)	(b)(1)	(c)(1)(B)
Assessment of progress and interventions	LI(e)(1)(A)				(b)(5)	
Observation to document academic progress and behaviors in areas of difficulty	LI(e)(3)				(b)(2)	
(4) Functional Performance or Adaptive Behavior						
Assessment of functional skills or adaptive behavior across various environments from multiple sources		(b)(1)(C)	(b)(1)(B)	(b)(1)(B)		(c)(1)(C)
Assessment of emotional and behavioral functioning						
Functional Behavioral Assessment (FBA)						
Systematic observation across various environments		(b)(3)	(b)(3)			
(5) Communication Skills						
Assessment of communication…in mode of student						
Assessment of the student's receptive, expressive, pragmatic and social communication						
Assessment of articulation, fluency, and voice	SI(f)(1)(A)					
Observation of student's speech by an SLP	SI(f)(3)					
Assessment of functional literacy						
(6) Motor and Sensory Abilities						
Vision and hearing screening						
Assessment of function vision						
Assessment of motor skills and sensory responses						
Assessment of motor skills including travel skills						
Written report form an optometrist or ophthalmologist						
Written report from an educational or clinical audiologists, otologist, or otolaryngologist						
Statement from a physician if an organic cause suspected	SI(f)(4)					
(7) Available Educationally Relevant Medical Information	LI(e)(4), SI(f)(5)	(b)(4)	(b)(4)	(b)(3)	(b)(3)	(c)(3)
Available mental health information						
(8) Social and Developmental history	LI(e)(2), SI(f)(2)	(b)(2)	(b)(2)	(b)(2)	(b)(4)	(c)(2)
(9) Any other assessment or information necessary to determine eligibility and inform the CCC	LI(e)(5), SI(f)(6)	(b)(5)	(b)(5)	(b)(4)	(b)(6)	(c)(4)

Appendix B: Exclusionary Factor Sources of Evidence

Exclusionary factor as primary:	Possible Actions		Possible Sources
	Can be done before and/or after receipt of signed parental consent	**Can be done only after receipt of signed parental consent**	
A visual disability	A test or evaluation administered to all students		Vision screening results
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct vision screening (for implementation of instructional strategies)
	A review of existing data		Check student file: 4. history of vision screening results 5. other information about vision, glasses, etc. 6. previous notes or concerns related to vision by teacher or parent 7. grades/progress in relevant subjects Document any current vision concerns of staff Collect relevant work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current hearing concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Specified tests/measures related to possible Blind/Low Vision needs, including examination by medical specialist

A hearing disability	A test or evaluation administered to all students		Hearing screening results
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct hearing screening (for implementation of instructional strategies)
	A review of existing data		Check student file: 8. history of hearing screening results 9. other information about hearing 10. previous notes or concerns related to hearing by teacher or parent 11. grades/progress in relevant subject areas Document any current hearing concerns of staff Collect relevant work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current hearing concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Specified tests/measures related to possible Deaf/Hard or Hearing needs, including examination by medical specialist
A motor disability	A test or evaluation administered to all students		Individual results from any health screenings administered to all students, such as scoliosis screening
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct fine/gross motor screening (for implementation of instructional strategies)

	A review of existing data		Check student file: 12. history of screening results 13. other information about fine/gross motor skills 14. previous notes or concerns related to motor skills by teacher or parent 15. grades/progress in relevant subject areas Document any current motor concerns of staff Collect relevant work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current motor concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Specified tests/measures related to possible Orthopedic Impairment needs
A cognitive disability	A test or evaluation administered to all students		Individual results from any cognitive assessments administered to all students, such as group assessments like Otis-Lennon
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Not applicable - cognitive screenings do not provide instructional strategies
	A review of existing data		Check student file: 16. history of cognitive assessments 17. other information related to cognitive skills 18. previous notes or concerns related to cognitive ability by teacher or parent 19. grades/progress in relevant subjects 20. retention

			21. courses (remedial, advanced placement, summer school) 22. previous school/outside evaluation reports Document any current cognitive concerns of staff Collect relevant work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current cognitive concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information (Art. 7 defines cognitive disability as being manifested during developmental period)
		Educational Evaluation conducted by multidisciplinary team	Specified tests/measures related to possible Cognitive Disability needs, including adaptive functioning
An emotional disability	A test or evaluation administered to all students		Individual results from any emotional assessments administered to all students
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct emotional screening (for implementation of instructional strategies)
	A review of existing data		Check student file: 3. medication/mental health information 4. other information related to emotional skills 23. previous notes or concerns related to emotional skills by teacher or parent 24. significant change in grades 25. significant absences 26. discipline records

			27. previous school/outside evaluation reports, including FBA/BIP 28. juvenile court involvement Document any current emotional concerns of staff Collect relevant work samples (essays, journal entries, drawings)
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results (social skill instruction, motivational information, skill deficit vs. performance deficit)
	Request additional information from parent		Document any current emotional concerns of parents and student Request any relevant existing medical/mental health records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Specified tests/measures related to possible Emotional Disability needs
Cultural factors	A test or evaluation administered to all students		Individual results from any cultural factor assessments administered to all students
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct cultural factor screening (for implementation of instructional strategies)
	A review of existing data		Check student file: 5. Home language survey 6. School history & attendance, including kindergarten & preschool 7. English language instruction (ESL/ELL/ENL) 8. Race/ethnicity 9. Refugee or migrant status 10. Homeless

			11. Family culture, including child of deaf adults (CODA) 12. Family expectations 13. Parent conference notes 14. other information related to cultural factors Document any current cultural factor concerns of staff Collect relevant work samples (language work for child of deaf adults)
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current cultural factor concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Observation, screening and other tests/measures related to possible disability needs
Environmental or Economic Disadvantage	A test or evaluation administered to all students		Individual results from any assessments administered to all students
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Not applicable
	A review of existing data		Check student file: <u>Home: Environmental/economic</u> 15. Free or reduced lunch 16. Homeless 17. Refugee or migrant status 18. Foster care 19. Grandparent as guardian, etc.

			20. Lack of home resources 21. Lack of access to community resources 22. Student has job/exceptional home responsibilities 23. Parent education/support issue 24. Stress/violence 25. Family size/space 26. Lack of immunizations 27. Lack of primary care physician 28. School assistance for glasses, doctor visits, clothing, food, etc. <u>School: Environmental/economic</u> 29. Multiple school history 30. Sporadic school attendance 31. Lack of staff training 32. Lack of appropriate instruction Document any current environmental/economic concerns of staff Collect relevant work samples (journal entries, drawings)
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current environmental/economic concerns of parents and student Request any relevant existing medical records (need release) Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Observation, screening and other tests/measures related to possible disability needs
Limited English Proficiency	A test or evaluation administered to all students		Individual results from any English assessments administered to all students
	A screening conducted to determine appropriate		Conduct language/academic screening (for implementation of instructional strategies)

	instructional strategies for curriculum implementation		
	A review of existing data		Check student file: 29. Home Language Survey 30. LAS Links data/progress 31. History of English language instruction (ESL/ELL/ENL) Document any current language/academic concerns of staff Collect relevant work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current concerns of parents and student Request social-developmental history information Request language history information: 3. Which languages 4. When learned 5. Receptive/expressive 6. Which environments 7. How much schooling in which languages 8. Languages used by family members 9. Languages used in community
		Educational Evaluation conducted by multidisciplinary team	Tests/measures related to nondiscriminatory assessment: II. Bilingual evaluation/evaluator III. Nonverbal assessment IV. Consideration of language/cultural loading in test performance
Lack of appropriate instruction in reading or math evidenced by the following:	A test or evaluation administered to all students		Not applicable

Data demonstrating that prior to, or part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel.			
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Not applicable
	A review of existing data		Check student file: 4. Schools attended 5. Attendance history 6. Instructional history 7. Opportunities to learn Review & document student's school experiences: <u>Curriculum:</u> 2. Evidence-based core curriculum 3. Evidence-based interventions 4. Assessment tool for student-instructional match 5. Existence of formal system to analyze effectiveness of core + interventions <u>Instruction</u>: ● 5 reading components ● Appropriate math ● Student-Instructional match ● HQ teachers/subs

			• Teacher absences • Time allocated • Academic learning time • # response opportunities • Explicit/implicit • Modeling • Guided practice • Feedback • Reinforcement • Student success rate on academically relevant tasks is appropriate (90-100% for independent work) • Examples & non-examples • Motivation strategies
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current concerns of parents and student Request social-developmental history information
		Educational Evaluation conducted by multidisciplinary team	Observation, screening and other tests/measures related to possible disability needs Might include: • targeted intervention with progress monitoring (dynamic assessment) to determine student's ability to learn when provided appropriate instruction • Systematic observation of instruction; walk-through checklist; Tier 1/2 data charts/graphs
Lack of appropriate instruction in reading or math evidenced by the following:	A test or evaluation administered to all students		Individual results from any repeated assessments administered to all students, such as NWEA, Benchmarks, M-Class, Acuity, DIBELS, Aimsweb, etc.

Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.			
	A screening conducted to determine appropriate instructional strategies for curriculum implementation		Conduct screening (for implementation of instructional strategies)
	A review of existing data		Check student file: C. History of repeated assessment data D. Graphs of above data E. Documented interventions (with instructional match) F. Documented intervention changes G. Fidelity checks H. Documentation of parent notification I. Attendance record J. Schools attended Collect work samples
	The collection of progress monitoring data if student is participating in RtI		Document any relevant assessment results
	Request additional information from parent		Document any current concerns of parents and student Request social-developmental history information
		Educational Evaluation	Observation, screening and other tests/measures related to

		conducted by multidisciplinary team	possible disability needs Might include: ● targeted intervention with progress monitoring (dynamic assessment) to determine student's ability to learn when provided appropriate instruction ● Systematic observation of instruction; Tier 1/2 data charts/graphs

Appendix C: SLD Element Template

Specific Learning Disability (SLD) Certification

The Multidisciplinary Team members are required by Indiana's Article 7 (511 IAC 7-40-5(g)(2)(C)) to sign this document to certify their individual opinions for the Case Conference Committee, as to whether or not they believe this student has a Specific Learning Disability, and the basis for having that opinion. A team member who does not agree with the findings of the Educational Evaluation must attach a separate opinion statement.

1. Evidence of Underachievement Relative to Age or Grade ☐ No ☐ Yes

Evidence	Data Sources
☐ A. ☐ B. ☐ C. ☐ D.	☐ A. ☐ B. ☐ C. ☐ D.

2. Evidence of Insufficient Progress OR Pattern of Strengths/Weakness ☐ No ☐ Yes

Evidence	Data Sources
Insufficient Progress ☐ A. ☐ B. ☐ C. ☐ D. _____ Patterns of Strength/Weakness ☐ A. ☐ B. ☐ C. ☐ D.	Insufficient Progress ☐ A. ☐ B. ☐ C. ☐ D. _____ Patterns of Strength/Weakness ☐ A. ☐ B. ☐ C. ☐ D.

3. Evidence that Exclusionary Factors: Disabilities, English Proficiency, and Culture are NOT Primary Factor for Underachievement. ☐ No ☐ Yes

Evidence	Data Sources
☐ A. ☐ B. ☐ C. ☐ D.	☐ A. ☐ B. ☐ C. ☐ D.

4. Evidence that Exclusionary Factor: Lack of Appropriate Instruction is NOT Primary Factor for Underachievement. ☐ No ☐ Yes

Effective Evaluation Resource Center, Blumberg Center, Indiana State University. From W.D. Tiley & S. Brown (2010). RTI and Special Ed Identification: How it Works. LRP Publications. Modified with author permission.

Evidence	Data Sources
☐ A. ☐ B. ☐ C. ☐ D.	☐ A. ☐ B. ☐ C. ☐ D.

1. Evidence of adverse impact on academic performance and student's need for specially designed instruction. ☐ No ☐ Yes

Evidence	Data Sources
☐ A. ☐ B. ☐ C. ☐ D.	☐ A. ☐ B. ☐ C. ☐ D.

Educational Evaluation findings:

___ Yes, there is sufficient evidence of all criteria to support determination of SLD in the specific area(s)of:

- ☐Oral expression
- ☐Listening comprehension
- ☐Written expression
- ☐Basic reading skills
- ☐Reading fluency skills
- ☐Reading comprehension
- ☐Mathematics calculation
- ☐Mathematics problem solving.

___ No, there is not sufficient evidence of all criteria to support determination of SLD

Multidisciplinary Team Members:

Name/Title/Signature:

_____.
_____.
_____.
_____.
_____.
_____.

Effective Evaluation Resource Center, Blumberg Center, Indiana State University. From W.D. Tiley & S. Brown (2010). RTI and Special Ed Identification: How it Works. LRP Publications. Modified with author permission.

Example of Evidence, Data Sources, and Criteria/Explanation for SLD Determination. Content determined at local corporation/cooperative level – examples FOR ILLUSTRATIVE PURPOSES ONLY.

1. Evidence of Underachievement Relative to Age or Grade

☐ No ☐ Yes

Evidence	Criteria/Explanation	Data Sources
☐ A. Student's performance below grade level on ISTEP+. ☐ B. Student's performance below grade level on districtwide assessments (note if not applicable). ☐ C. Student's performance below expected level on other norm-referenced assessments (note if not applicable/not given). ☐ D. Student's performance below expected level on criterion-referenced assessments (note if not applicable/not given). ☐ E. Data from at least 2 assessment sources converge and indicate underachievement in one of the areas of SLD. ☐ F. Other, please specify	A. Most recent assessment, not more than 1 year old, below ## percentile (e.g., 12th). B. Below ## percentile, specified discrepancy ratio, % delay, absolute difference. C. Below ## percentile, specified standard score, absolute difference. D. Below ## percentile, specified score.	☐ ISTEP+ ☐ Districtwide assessment data ☐ Schoolwide assessment data ☐ Classroom performance data ☐ Group intervention data ☐ Norm-referenced and criterion-referenced assessments

2. SLD Indicator: Insufficient Progress <u>or</u> Patterns of Strength/Weakness

☐ No ☐ Yes

Evidence	Criteria	Data Sources
<u>Insufficient Progress</u> ☐ A. Supplemental intervention provided prior to or during evaluation. ☐ B. Supplemental intervention matched to student need(s). ☐ C. Supplemental intervention provided as designed. ☐ D. Sufficient and appropriate progress monitoring data collected. ☐ E. Lack of progress demonstrated during the intervention period. ☐ F. Other, please specify	A. Notification of Intervention and intervention plan. B. Evidence of alignment between student need and provided intervention. C. Evidence of intervention implementation integrity. D. Minimum number of data points. E. Criteria for determining lack of progress specified in advance that involves comparison of actual and expected rates of progress.	☐ Cumulative Record ☐ Social/developmental history ☐ Schoolwide assessment data ☐ Classroom performance data ☐ Intervention documentation ☐ Progress monitoring data and graph ☐ Teacher/Parent/Student Interview ☐ Observation
<u>Patterns of Strength/Weakness</u> ☐ A. Normative weaknesses in	A. Specified standard scores or ranges. B. Specified standard scores or ranges - degree of relationship with area of	☐ Norm-referenced achievement data ☐ Norm-referenced cognitive assessment ☐ Schoolwide assessment data

academic areas of difficulty. ☐ B. Normative weaknesses in corresponding areas of cognitive abilities. ☐ C. Average, near average, abilities in remaining academic/cognitive areas. ☐ D. Pattern of S and W relevant to SLD. ☐ E. Other, please specify	concern. C. Specified standard scores or ranges.	☐ Classroom performance data

3. Evidence that Exclusionary Factors: Disabilities, English Proficiency, and Culture are <u>NOT</u> Primary Factor for Underachievement. ☐ No ☐ Yes

Evidence	Criteria	Data Sources
☐ A. Primary cause not limited English Proficiency ☐ B. Primary cause not socio-economic, ethnic, racial, or familial. ☐ C. Primary cause not disability related to emotional, cognitive, or sensory domain. ☐D. Other, please specify	A.Language proficiency data and criteria scores. B. # days in attendance/absent, # school changes, # of factors identified that have impacted student success. C. Criteria associated with ruling out additional disabilities.	☐ Cumulative Record ☐ Attendance Records ☐ Social Developmental History ☐ Parent/Student Interview ☐ Observation

4. Evidence that Exclusionary Factor: Lack of Appropriate Instruction is <u>NOT</u> Primary Factor for Underachievement. ☐ No ☐ Yes

Evidence	Criteria	Data Sources
☐ A. Appropriate instruction provided. ☐ B. Consistent attendance during instruction. ☐ C. Instruction provided by qualified personnel. ☐ D. Other, please specify.	A. Identification of school curriculum. B.Specified criteria on schoolwide or classroom performance data. B. Specified minimum number of days absent.	☐ Schoolwide assessment data ☐ Classroom performance data ☐ Intervention Documentation ☐ Progress Monitoring data ☐ Teacher/Parent/Student Interview

5. Evidence of adverse impact on academic achievement and/or functional performance and student's need for specially designed instruction. ☐ No ☐ Yes

Evidence	Criteria	Data Sources
☐ A. Curriculum needs identified. ☐ B. Need for specially-designed instruction identified. ☐ C. Other, please specify.	A.# of current grades D/F, # missing assignments, present level of performance in academic areas. B. # and type of disciplinary actions.	☐ School records ☐ Schoolwide assessment data ☐ Classroom performance data ☐Progress Monitoring data ☐ Teacher/Parent Student Interview ☐ Observation ☐ Report cards, progress reports ☐ Intervention progress notes