

Identifying Students with Specific Learning Disabilities

Part 2: SLD Eligibility Determination

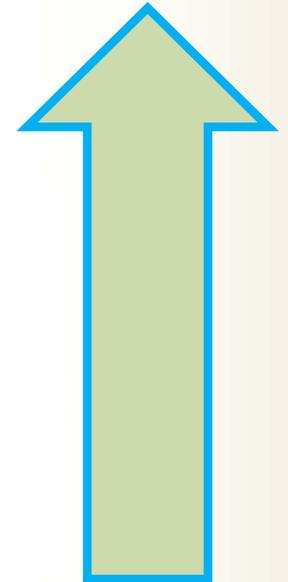
Section 4: 47- 62

(Documentation requirements
will be covered in Part 3.) &

Section 5: 67-104



Reminder: Watch for a blue box in top right corner for page references from the Colorado *Guidelines for Identifying Students with Specific Learning Disabilities*.



Summary of SLD Determination Process

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The Flow Chart on p. 49 is essentially accurate, however, it does not reflect the language changes in the amended ECEA Rules (March 2013). See the document posted with this PowerPoint presentation under Unit 2 Content.

1. Development of a body of evidence that demonstrates the two key criteria related to **academic skill deficits** and **lack of response to scientific, research-based intervention** in one or more of the **8 areas of SLD** are met.
2. Determination that the learning problems are **not primarily due to** the specified **“exclusionary factors.”**
3. Determination that the findings are **not due to lack of appropriate instruction in reading or math.**
4. Determination that a student **has a Specific Learning Disability.**
5. Determination that a student **cannot receive reasonable educational benefit from general education alone.**

Determining Academic Skill Deficit

Academic Skill Deficit

Given are some recommended parameters for deciding the significance of a deficit (even after targeted/intensive intervention). These are NOT intended to be absolute cut-points. The convergence of multiple sources of data needs to be considered by the team.

Note: The language in both federal and state law is that “the child does not achieve adequately for the child’s age or to meet State-approved grade-level standards...” rather than in comparison to that child’s assessed IQ as was true with the application of a discrepancy/regression formula.

Academic Skill Deficit, cont.

Results of a variety of assessment tools and strategies to form a Body of Evidence, such as...

- **Curriculum Based Measurement (CBM) results that include at least 6 data points at or below the 12th percentile, based on state/national norm** [e.g., maze (reading comprehension), correct digits (math), oral reading fluency]
- **Criterion Reference Measures at 50% or below grade level expectancy** [e.g., Student consistently scores 40% or less in math problem-solving where the grade level expectation is 80% or better as indicated in the curriculum and/or text materials.]
- **Norm-referenced, diagnostic assessments at 12th percentile or below** [such as *CTOPP*, *Test of Written Language-3*; *Test of Word Reading Efficiency*; *KeyMath3*, etc.]

Academic Skill Deficit, cont.

At least one measure needs to reflect a comparison to state or national benchmarks or norms to maintain consistency across the state as to what is to be considered a “significant deficit” (scores at or below 12%ile – recommended, but not an absolute cut-point)

Important Reminder: The academic skill deficit is still evident AFTER the provision of targeted/intensive intervention.

Example: Deficit in Basic Reading Skills

Body of Evidence

After 16 weeks* of targeted/intensive interventions...

- 6 most recent CBM scores for Oral Reading Fluency are at/below the 10th percentile.
- Comprehensive Test of Phonological Processing places student in the 8th percentile.
- Writing samples indicate poor phonemic awareness/phonetic skills.

*16 weeks is just an example; problem-solving team determination of intervention intensity and decision-making timelines depends on several factors, such as the age/grade of the student, the specific skill being addressed, the significance of the achievement gap, and the student's rate of improvement.

Determining Insufficient Progress (in Response to Scientific, Research-Based Intervention)

Insufficient Progress

Problem-solving teams monitor student progress toward age or grade level norms/benchmarks. Insufficient progress can be determined by identifying expected rate of improvement and by utilizing a gap analysis.

The following slides illustrate the implementation of gap analysis in the determination of sufficiency of progress.

Insufficient Progress

Steps in determining insufficient progress:

- 1) Identify expected achievement and rate of progress in order to close the Gap with peers
- 2) Apply Gap Analysis over time to determine progress toward goal
- 3) Insufficient progress: Gap with age/grade benchmarks is not closing, even with targeted or intensive intervention

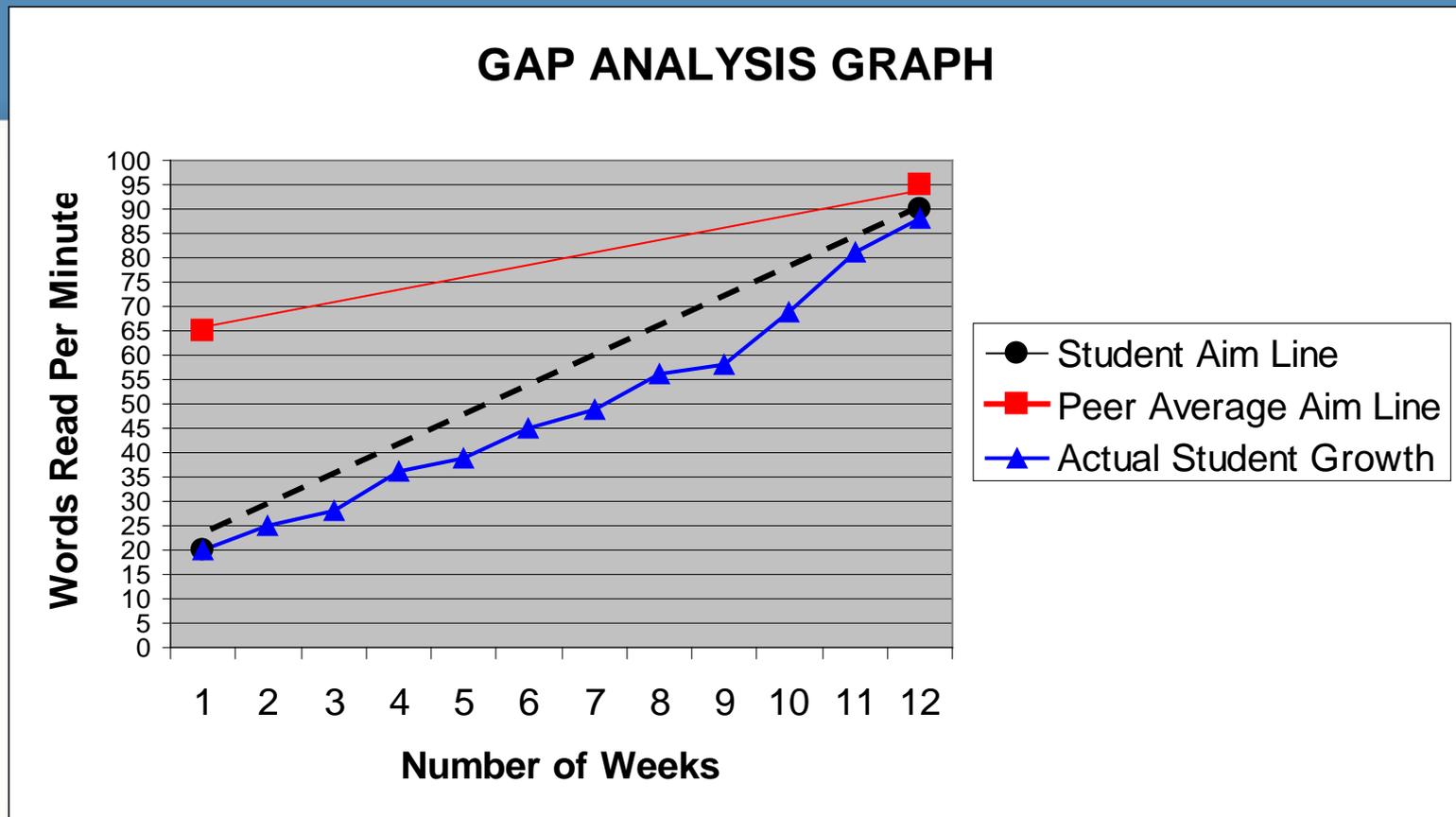
Academic Example of Gap Analysis

[Benchmark divided by Current Level of Performance = Gap]

**68 Words Per Minute (Spring Benchmark for second grade) / 20
Words per Minute (Current level of performance) = 3.4 Gap**

**2+ = Significant Gap and signifies a need for Tier II or Tier III
intervention to close the Gap between student and peers.**

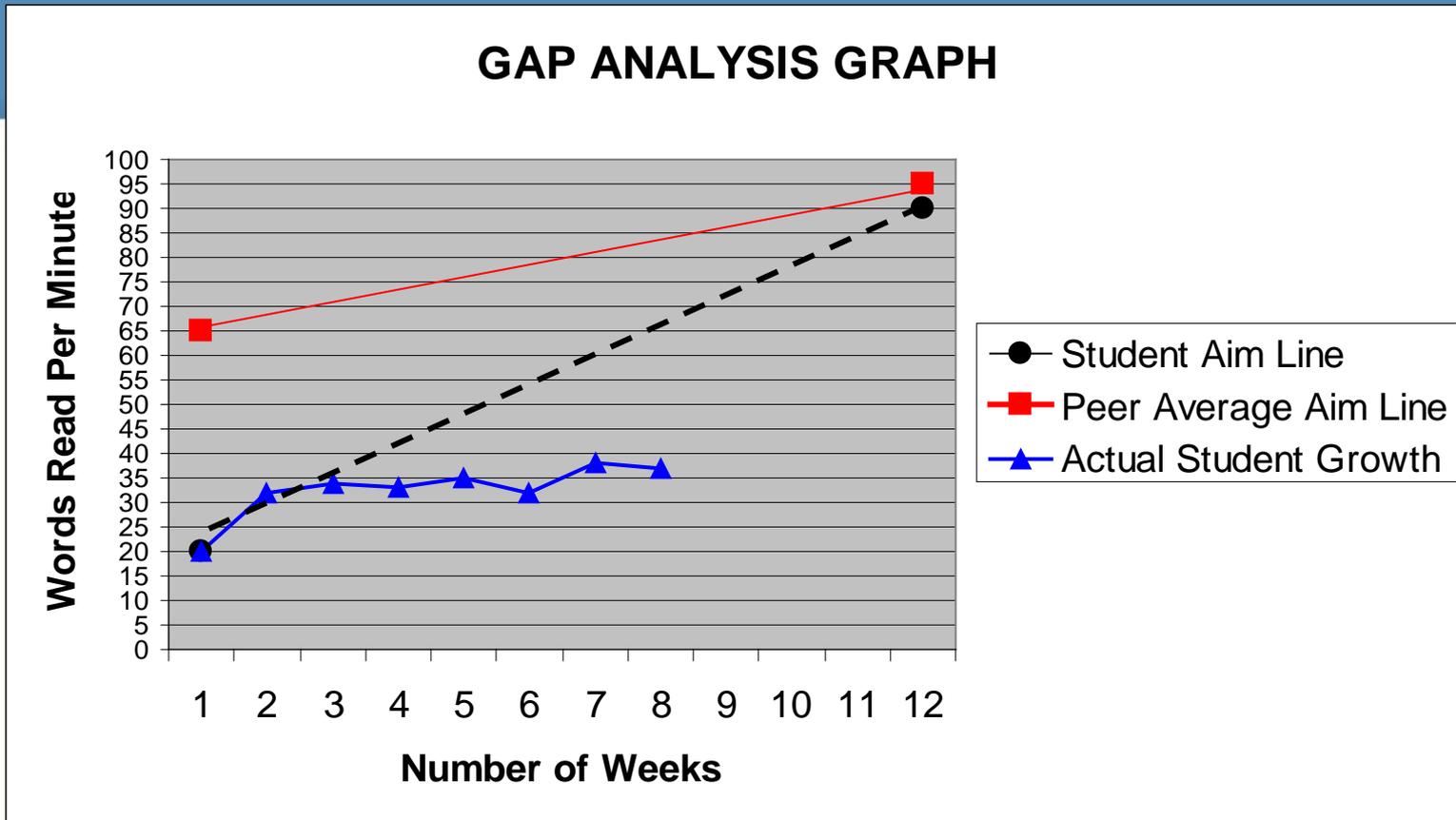
Sufficient Progress



Benchmark - 90 / Current Level - 20 = 70 (gain needed to close the Gap)

Intervention resulted in the 4.6 WPM growth per week necessary to close the Gap with peers.

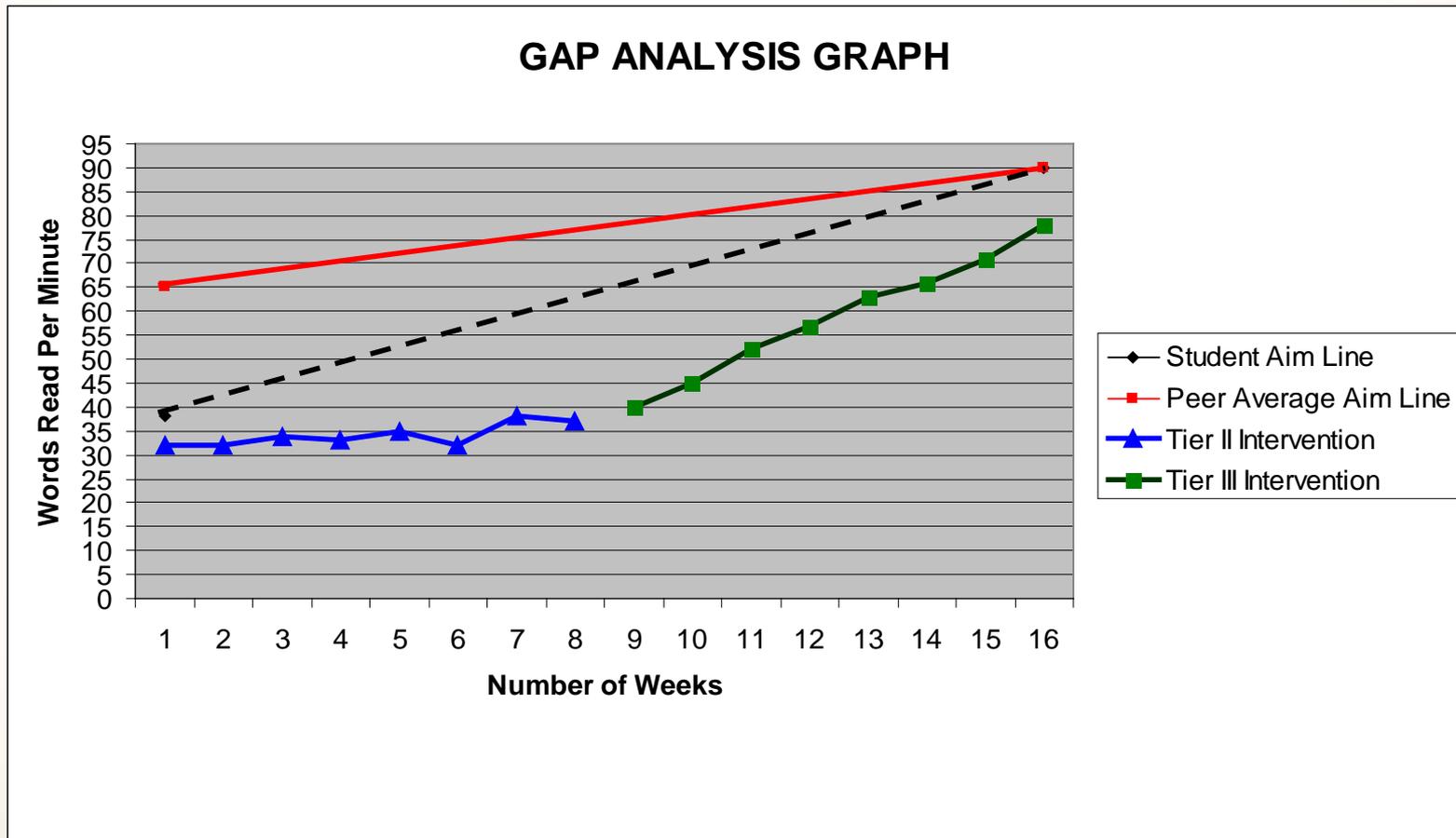
Insufficient Progress



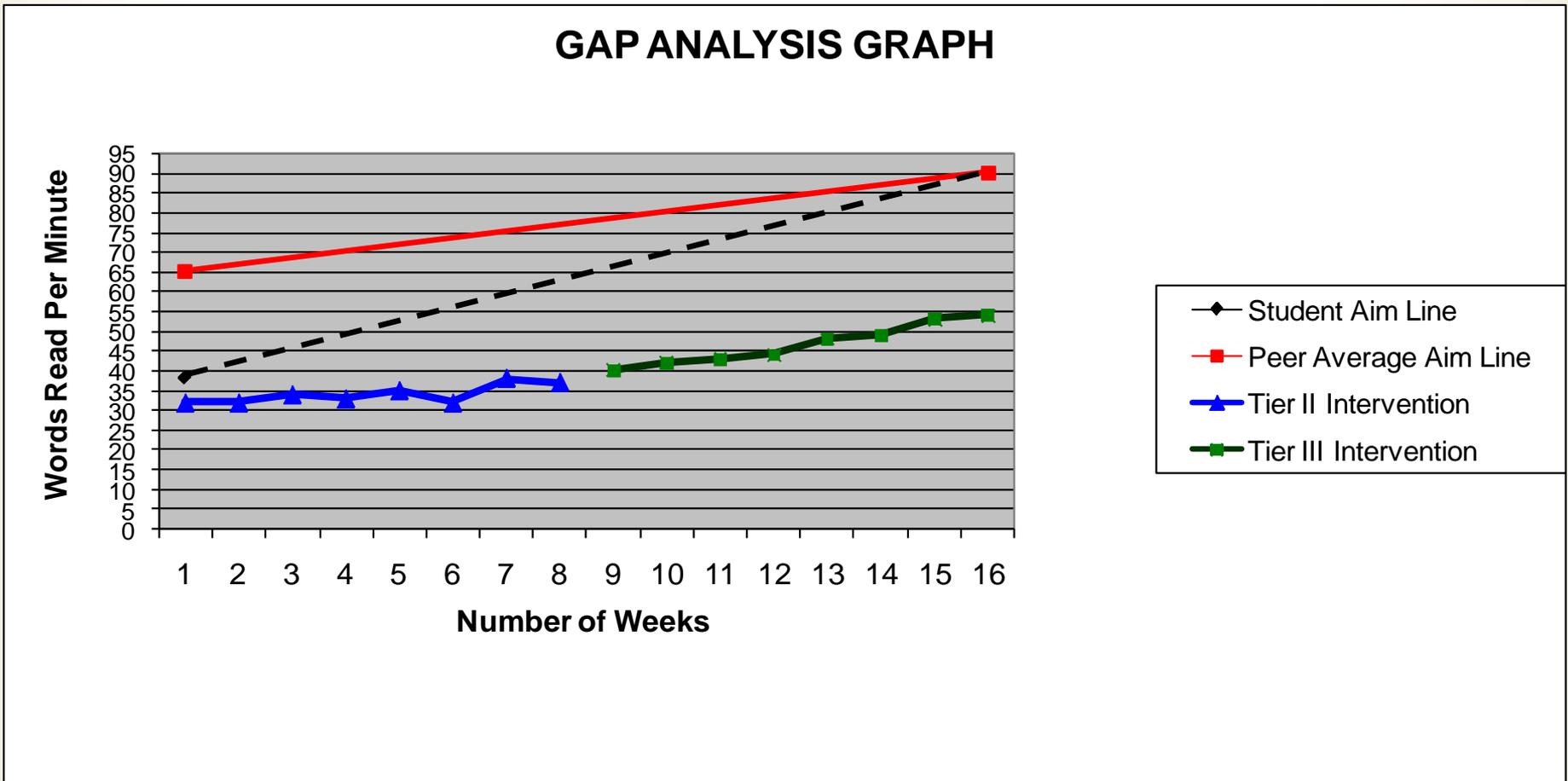
Benchmark - 90 / Current Level – 20 = 70 (gain needed to close the Gap)

Intervention did not close the Gap – student needs more time, intensity or a different intervention.

Sufficient Progress with Intense Intervention



Insufficient Progress (even with intense intervention)



Consideration of SPED Referral & Possible SLD Determination

State Assessments: Appropriate Uses

- Appropriate to use state assessment results to improve instruction for all students or particular groups of students.
- Appropriate to use state assessment results as an initial screener, especially for older students. (e.g., to determine which 9th graders to further screen/assess in basic literacy skills)
- Appropriate to reference state assessment results in a review of existing data and as one piece of evidence in the body of evidence for an individual student.

State Assessments: Inappropriate Uses

- Inappropriate to use state assessment results as the one required measure against state/national norms
 - An annual outcome measure does not demonstrate performance in a timely manner after the provision of intervention.
 - An individually-administered measure is recommended.
- Inappropriate to use state assessment results as evidence of “insufficient progress”
 - CSAP does not provide a frequent enough measure to demonstrate “insufficient progress” in response to scientific, research-based intervention.
 - An individually-administered measure is recommended.

Consideration of “Exclusionary Factors”

Consideration of “Exclusionary” Factors

The determination that an individual student’s difficulties are not “primarily due to” one of these specified factors must be carefully weighed by eligibility team.

One or more of these factors may certainly be relevant to a individual child whose difficulties may appropriately be determined to be the result of a Specific Learning Disability. Even though these factors are commonly referred to as “exclusionary,” they can co-exist with a Specific Learning Disability.

Consideration of “Exclusionary” Factors

The learning problems in the area(s) identified are **not primarily** due to...

- Visual impairment , including blindness;
- Hearing impairment, including deafness;
- Orthopedic impairment
- Intellectual Disability (If ID is suspected, a team might choose to first assess adaptive behavior);
- Serious Emotional Disability (Data from observation and checklists);

Consideration of “Exclusionary” Factors

The learning problems in the area(s) identified are not primarily due to...cont.

- Cultural Factors (Is performance atypical as evidenced by performance level and/or growth disaggregated data at the school and/or district level?)
- Environmental or Economic Disadvantage (Is performance atypical as evidenced by performance level and/or growth disaggregated data at the school and/or district level?)
- Limited English Proficiency (Is performance atypical of other English Learners with a similar level of language acquisition and/or years of ELA instruction?)

Cultural and/or Linguistic Diversity (CLD) & SLD

- It is very important to carefully consider the impact of cultural and/or linguistic diversity (CLD) on learning.
- A team needs to demonstrate due diligence in determining that the impact of either or both of these factors, when present, are not the primary reason for the student's learning difficulties.
- Equally important, it is important not to suspend consideration as to whether a student has a learning disability solely because one or both of these factors is present.
- Review the document, *SLD Topic Brief: Cultural and/or Linguistic Diversity & SLD*, provided under Unit 2 Content. (You will be referred back to this document in subsequent Units.)

Consideration of “Exclusionary” Factors, cont.

A school system should be cognizant of state and district assessment data for all disaggregated groups. If most students within a school setting who are of a particular ethnic group, low SES, or at a similar level of English language acquisition are achieving poorly, it might be inappropriate to label an individual student from one of these groups as having a disability that is based on similar poor performance. The system should be striving to provide universal/core and targeted instruction in such a way as to respond to the learning needs and improve the achievement of all its students.

Findings of disability/eligibility are not due to...

- lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in Elementary and Secondary Education Act);
- lack of appropriate instruction in math; or
- limited English proficiency.

Applicable to determination of disability and eligibility for special education across all disabilities as reflected both Federal Regs and Colorado ECEA Rules.

3rd bullet content contained in sections relevant to SLD only as well as in sections relevant to all categories of disability.

Consider: has the student been provided with appropriate instruction?

- Student has been exposed to instruction that is effective for most students
- Problem-solving process has been applied across tiers (instruction/intervention informed by student data)
- Interventions have been implemented with fidelity

- George Batsche

Final Determinations

1) The student has a Specific Learning Disability.

AND...

2) The student cannot receive reasonable educational benefit from general education alone.

The team might consider that in order to receive reasonable educational benefit from general education...

- the student continues to need substantial interventions and supports in order to progress
- the intensity and duration of interventions (specialized instruction) needed cannot be maintained in general education alone

Final Determinations, cont.

AND...

- 3) The Multidisciplinary (Eligibility) Team agrees that the student is eligible for special education services.