



Public Schools of North Carolina

Supporting Appropriate Evaluation and Identification of SLD: A Framework to Guide Implementation

Summer Webinar Series

NC Department of Public Instruction

Exceptional Children Division

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Today's Presenters

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“Learning Disabilities should be seen as an instructional problem in which people *can* learn.”

Handbook of Learning Disabilities, (2013), p. 47



“Multiple Sources” of Data

67.3% of SwD in NC graduate high school compared to 85.6% of all students

One third of students with LD have been retained a grade*

9% of 8th grade SWDs are proficient in reading and math on the National Assessment of Educational Progress (NAEP)*

37% of all SwD in NC are identified as SLD

22% of 3rd grade students with SLD in NC scored at or above a Level 3 in math, compared to 62% of all students

12.3% of 3rd grade students with SLD in NC scored at or above a Level 3 in reading, compared to 59% of all students

Convergence of Data from Multiple Sources

START
HERE

Rule out as *determinant* factor:

- Lack of appropriate instruction
- Limited English Proficiency

Rule out *primary* factors:

- Vision, hearing, motor
- Intellectual disability
- emotional disturbance
- Cultural factors
- Environmental or economic influences
- Loss of instructional time

Inadequate achievement

- To meet age or grade level standards
- When provided learning experiences and instruction appropriate for the child's age or grade

Insufficient progress

- Lack of response to instruction/intervention OR
- Responding at a rate insufficient to reduce risk over time

Adverse effect and requires special education

BIG IDEA #1

Appropriate instruction is INCLUSIONARY.



Explore Current Practices

To ensure that underachievement in a child is not due to lack of appropriate instruction in reading or math, the group must consider...

(1) Data that demonstrates the child...was provided:

appropriate instruction in regular education settings, delivered by qualified personnel; and



Common language/common understanding is necessary about the need to demonstrate effective core instruction before referring a student for special education.

AND

High expectations for ALL learners.



BIG IDEA #2

Intervention integrity is a MUST.



Intervention Integrity

“**Perhaps** one of the most notable and **prevalent** threats to the accuracy of MTSS decision making is the lack of intervention implementation **integrity**.”

The RTI Approach to Evaluating Learning Disabilities
Kovaleski, VanDerHeyden & Shapiro



Why Assess Instruction and Intervention Sufficiency?

Classification Accuracy:

Low achievement itself is not a “marker”

All low achievers are not learning disabled.

However, continued poor achievement with effective instruction and intervention is a “powerful marker”.



Explore Current Practices

Assessing Intervention Integrity

- Direct observation of the intervention
- Treatment integrity checklists that correspond to features of the intervention
- Formal fidelity checks conducted by coaches and/or administrators
- Logs of instructional sessions
- Progress monitoring data of similar peers receiving the same intervention



Explore Current Practices

- Is intervention reducing student risk over time?
- How many students receive intervention at Tier II and III? How many are successful?
- What is the average time between starting an intervention and reaching a decision about its success?



BIG IDEA #3

Rtl alone is NOT a comprehensive evaluation.



Explore Current Practices

NC 1500-2.11 Evaluation

...A full and individualized evaluation of a child's needs must be conducted before any action... *Eligibility of children must be determined by using multiple sources of data and must not be dependent upon single test scores.* Evaluation procedures may include, but are not limited to, observations, interviews, progress monitoring data... or other techniques and procedures as deemed appropriate by the professional(s) conducting the evaluations. *When eligibility for specific learning disability is being determined, evaluation data must include progress monitoring data.*

Note: The determination of needed screenings and evaluations is based upon the unique needs of the student and not solely on the requirements for the suspected disability category.



IDEA Regulations

§ 300.304 Evaluation procedures

(b) *Conduct of evaluation.* In conducting the evaluation, the public agency *must*—

(1) Use a *variety of assessment tools and strategies to gather relevant* functional, developmental, and academic *information* about the child, including information provided by the parent...

(2) *Not use any single measure or assessment as the sole criterion* for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

(3) Use *technically sound instruments* that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.



IDEA Regulations

§ 300.306 Determination of eligibility

(c) *Procedures for determining eligibility and educational need.*

(1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under § 300.8, and the educational needs of the child, *each public agency must—*

(i) *Draw upon information from a variety of sources*, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

(ii) *Ensure* that *information* obtained from *all of these sources* is *documented* and *carefully considered*.



An evaluation *begins* with the review of *existing* data

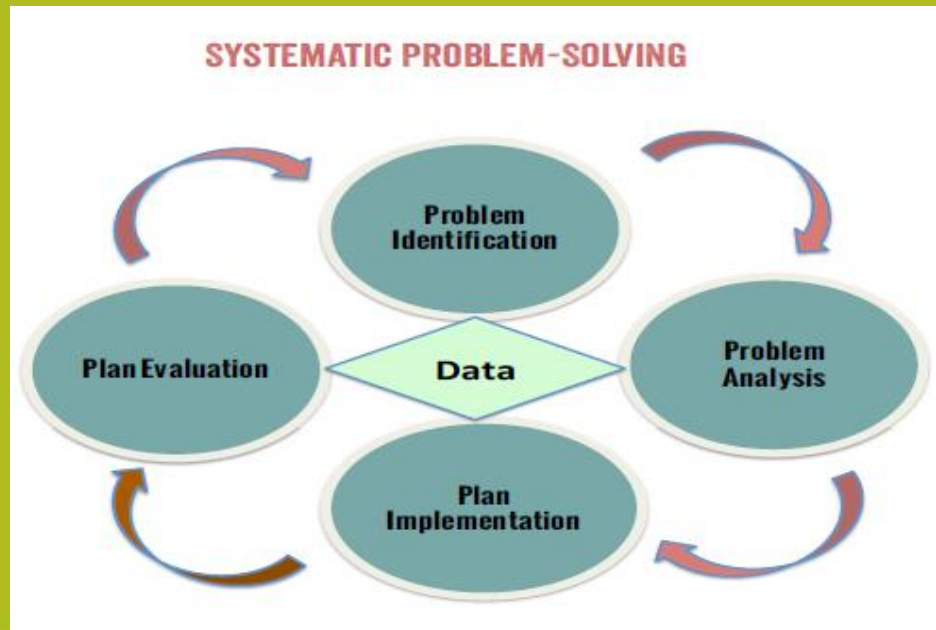
“A school that has robust procedures for implementing MTSS will have collected during the provision of these supports a wide range of assessment data that *not only has informed instruction and intervention*, but can also be *used as important evidence* for special education eligibility decisions.”

The RTI Approach to Evaluating Learning Disabilities
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BIG IDEA #4

Evaluation for eligibility is a *continuation* of the problem solving process not the goal of it.



NC Policy 1503-3.1 (effective July 1, 2020)

Requires the use of a **systematic, problem-solving process** based on the child's response to scientific research-based interventions (RTI/MTSS) and the evaluation of data (i.e. progress monitoring data) documenting the child's response to instruction and scientific research-based intervention.



Explore Current Practices

- Is there a seamless system between general and special education?
- How will information gathered through systematic problem solving be used to inform the design and delivery of specially designed instruction?
- How will systematic problem solving be used to evaluate the overall effectiveness of special education?



Check Your (*LEA's/School's/Staff's*) Belief System

If we are using Rtl as the basis for a comprehensive evaluation, we must have the student “go through” Rtl before an evaluation can be initiated.

- TRUE
- FALSE



BIG IDEA #5

Rtl cannot be used to delay or deny an evaluation for a child suspected of having a disability.



OSEP 2011

“The use of Rtl strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR § § 300.304-300.311, to a child suspected of having a disability under 34 CFR § 300.8.”



The Framework

PREREQUISITE INFORMATION BROUGHT FORWARD INDICATE:

- ✓ LEP IS NOT A PRIMARY DETERMINANT FACTOR
- ✓ APPROPRIATE INSTRUCTION IN READING HAS BEEN ESTABLISHED
- ✓ APPROPRIATE INSTRUCTION IN MATH HAS BEEN ESTABLISHED

PREREQUISITE INFORMATION BROUGHT FORWARD INDICATE:

- ✓ PRIMARY FACTORS HAVE BEEN RULED OUT

SYNTHESIS OF ALL RELEVANT DATA REFLECTS CONSISTENCY ACROSS DATA SOURCES

PROCEED TO SPECIAL EDUCATION ELIGIBILITY DECISION-MAKING



Relevant Data to Synthesize

Strengths, areas of suspected need, parent information, observation data, diagnostic assessment data, other relevant data

Data reflecting student's performance (in targeted area(s) of concern in comparison to peers:

- ✓ Universal screening data
- ✓ Benchmark assessment data
- ✓ Progress monitoring data
- ✓ Norm-referenced assessment data (if applicable)
- ✓ District assessment data (if available)
- ✓ State assessment data (if available)

Data reflecting rate of growth (in targeted area(s) of concern in comparison to peers:

- ✓ Progress monitoring data graphically displayed & rate of growth calculated

SYNTHESIS OF ALL RELEVANT DATA IS CONSISTENT ACROSS DATA SOURCES

✓ **Criterion 3** has been sufficiently established

✓ **Criterion 4** has been sufficiently established

PROCEED TO SPECIAL EDUCATION ELIGIBILITY DECISION-MAKING



Remember...

Evaluation is *not* just about eligibility

“The full intent of special education is to devise a program of instruction that will ***accelerate the student’s progress*** beyond that which was realized during the provision of multi-tier supports.”

The RTI Approach to Evaluating Learning Disabilities
Kovaleski, VanDerHeyden & Shapiro



Countdown to July 1, 2020

Years	Months	Days
3	10	28



What You Can Do To Prepare?

Support Implementation of MTSS:

Know who is on your district MTSS implementation team:

- Increase understanding of the work by watching the 21 minute video on the MTSS Wikispace
- Review the district or school MTSS plan and consider what your role is
- Implement instructional practices and the use of the district-wide problem solving process with fidelity
- Increase your understanding of available data sources, which should include academic, behavior and social emotional data



What You Can Do To Prepare?

Support Implementation of MTSS:

If you are a school psychologist:

- Advocate for school psychology to be represented on the district level MTSS implementation team
- Ensure that communication loops are established from the MTSS Implementation Team to the entire school psychology department within your district

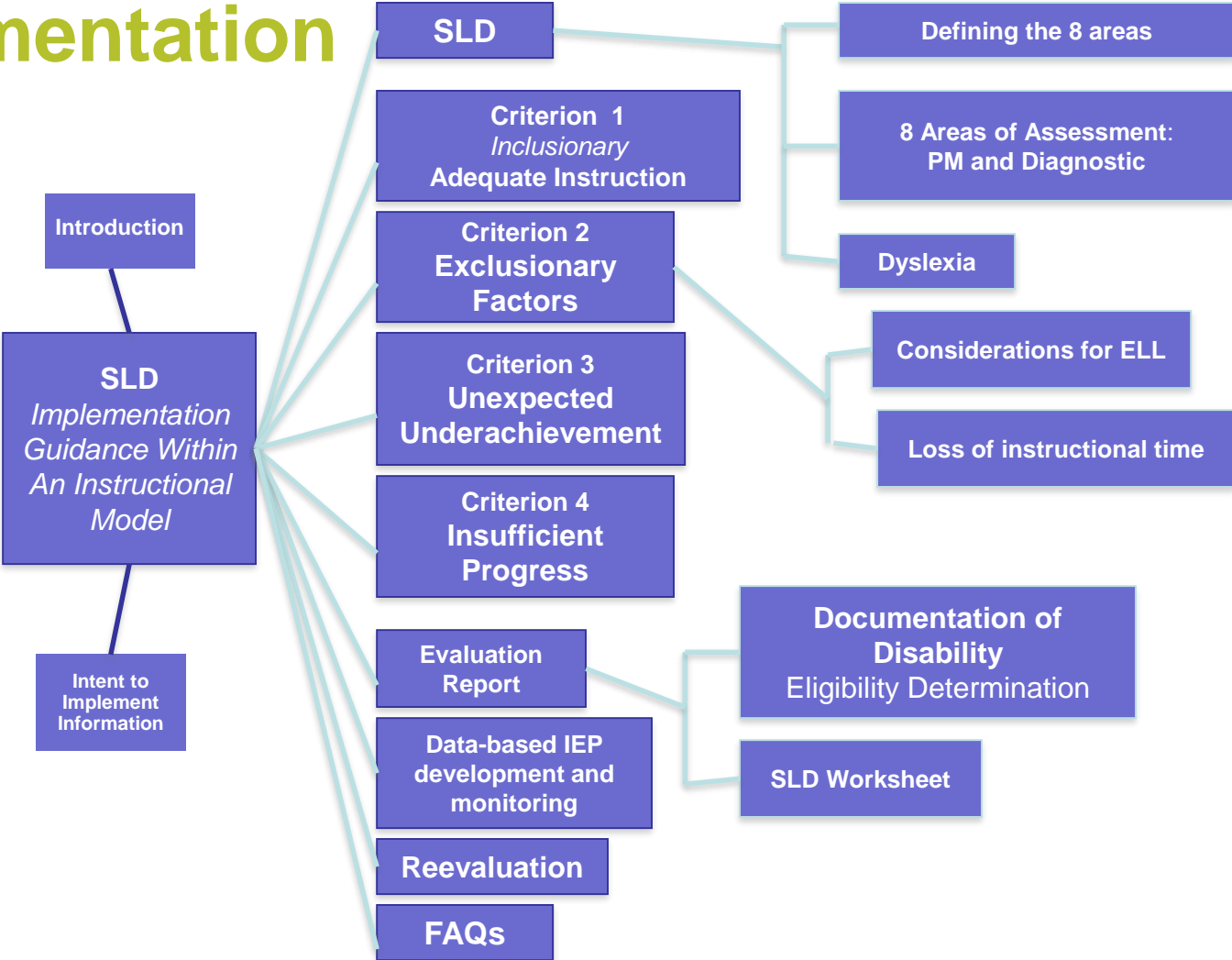


What You Can Do To Prepare?

- Understand and adhere to the *existing* policy requirements for evaluation and identification of students suspected of a disability
- Utilize resources that are available:
 - SLD listserv; School Psychology listserv
 - Professional Development opportunities
 - SLD Fact Sheets
 - SLD Implementation Guide



SLD Implementation Guide



SLD Fact Sheets:

- Intended to share information regarding the SLD policy
- Information will evolve as we move forward and will be responsive to the questions and implementation concerns of the LEAs
- Will complement the SLD implementation guide



Communication & Visibility

- MTSS wiki

<http://mtss.ncdpi.wikispaces.net/>

- Facebook

<https://www.facebook.com/ncmtss>

- Twitter @ncmtss @lynne_loeser

- SLD Listserv <http://tinyurl.com/zbn2mkt>

- [DPI School Psychology Listserv](#)



Professional Development:

Upcoming:

- Exceptional Children Conference
 - Pre-Conference Institutes
 - General Sessions

Ongoing:

- EC division sponsored state/regional meetings (SLD specific focus)
- Webinars
- Self-paced learning modules





Question (from webinar)

Question:

What is the possible impact on the overall implementation plan of the complaint filed in federal court alleging that the SLD model discriminates against children in poverty?

EC Division Response:

The OCR complaint is based on supposition, and not on fact. Further information will be forthcoming.

