

SLD Policy - Questions/Responses/Resources

Derived from: Statewide NC School Psychology Webinar (June 2, 2020)

QUESTION:	RESPONSE:	RELEVANT RESOURCE(S):
PROCEDURAL:		
<p>For referrals generated prior to July 1, will we use the old discrepancy policy?</p> <p>Will students who started the referral process under the old policy be held to the new eligibility components starting July 1?</p> <p>What is the guidance for students with open evals due to COVID-19 and having those go from one policy to the next? Many evals are the same, but the intensity of progress monitoring may or may not have been completed.</p>	<p><i>Eligibility would be determined under the criteria that were in place when the evaluation was initiated.</i></p> <p><i>All SLD eligibility determinations, regardless of the policy or evaluation model applied require:</i></p> <ul style="list-style-type: none"> - <i>Data to assist in ruling out lack of appropriate instruction (reading/math) as the determinant factor for the child's learning struggles</i> - <i>Intervention documentation</i> - <i>Progress monitoring data</i> <p><i>LEAs should also be reviewing the progress monitoring data on hand at the time of closure and factor that into whether or not they have sufficient data to determine eligibility. If the child was not making progress at the point of school closure, and the team knew it wasn't due to a lack of appropriate instruction, it should not result in delayed identification because of the recent school closures.</i></p>	<p>Special Rule for Eligibility Determination IDEA 300.306 (2)(b)</p> <p>A child must not be determined to be a child with a disability under this part—</p> <p>(1) If the determinant factor for that determination is—</p> <p>(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);</p> <p>(ii) Lack of appropriate instruction in math; or</p> <p>(iii) Limited English proficiency</p> <p>Determining the Existence of a Learning Disability IDEA 300.309 (3)(b)</p> <p>To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306—</p> <p>(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and</p> <p>(2) Data-based documentation of repeated assessments of achievement at reasonable</p>

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		intervals, reflecting formal assessment of student progress during instruction , which was provided to the child's parents.
Are there any changes in SLD policy implementation in light of COVID-19?	<p><i>Aside from:</i></p> <ul style="list-style-type: none"> - <i>the referrals generated prior to July 1 that will not wrap up until post-July 1; and,</i> - <i>The recently (State Board of Education) approved adjustments and technical corrections to the SLD Policy, there are no changes to implementation beginning with all referrals for evaluation occurring July 1, 2020 and beyond.</i> 	SLD Policy Changes (Approved June 4 2020)
When will the new SLD worksheet be available to review? Forms to document the process?	<i>The Policy/Monitoring/Audit section within the Exceptional Children Division is working with the EC Division Directors and the vendor on the changes to the special education documentation process.</i>	Related tools/examples that address the data required for sound decision-making within an instructional model: Data Mapping Template - Case Examples
Will the new SLD policy go into effect immediately upon return in August or when we do return?	<i>The SLD Policy is effective July 1 2020.</i>	
How do we best address evaluations and markedly delayed timelines for completion?	<i>The EC Division recognizes that LEAs will have challenges with meeting the 90-day timeline as a result of being unable to evaluate students during school closures/social distancing.</i>	Communicated through FAQ provided in NC DPI EC Division sponsored padlet for Exceptional Children Program Directors/Coordinators

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	<p><i>As previously communicated, the EC Division has requested that a log of initial evaluations adversely impacted by COVID-19 be kept. The EC Division will manage accurate federal reporting of Indicator 11 for these circumstances.</i></p> <p><i>The red stop sign in ECATS is preferred over ending the referral and restarting it once schools return to a normal schedule because it allows us to accurately track those students in need of an evaluation rather than remembering through other documentation that the team needs to meet.</i></p> <p><i>Guidance provided supports completing parts of the evaluation that do not require face to face and by administering through an alternative format does not invalidate the results of the evaluation.</i></p>	
<p>How are schools going to account for adequate instruction during the COVID-19 remote learning?</p> <p>How can we rule out lack of instruction after this current school year, and possibly the beginning of next school year, has gone fully distance learning? This applies for all of our students, but especially for the younger/elementary ones.</p>	<p><i>The decisions made regarding instruction and screening for academic risk will need to focus on the most efficient and effective ways to address instructional loss and implement decision rules around screening to accurately identify academic risk.</i></p> <p><i>As part of their “Ask the Experts” webinar series, the National Association of School Psychologists has partnered with national experts to provide critical resources and</i></p>	<p>NASP Resources:</p> <p>The Pandemic’s Impact on Academic Instruction and Student Progress</p> <p>Academic Screening Post COVID-19</p> <p>Considerations for Academic Assessments and Intervention Upon Return to School</p>

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Recommendations on how to proceed with SLD identification during the 2020-2021 school year following COVID-19, specifically around a lack of data collection.	<i>information to support school leaders and teams in their planning.</i>	
Required to rule out "rule outs" at the referral meeting? That could put us at risk, legally.	<p><i>IEP teams are not required to establish 'rule-outs' at the point of referral.</i></p> <p><i>When IEP teams are presented with student referrals due to concerns regarding a potential learning disability, they should review/consider any information that exists regarding both instructional and exclusionary factors.</i></p> <p><i>At the point of review of existing data, there may be a wealth of information reviewed that could guide the teams' decisions regarding what additional evaluations are/are not needed to sufficiently address the instructional/LEP/exclusionary factors.</i></p> <p><i>Doing this effectively at the point of referral will reduce the amount of time required for a student to be removed from their core curriculum to participate in individualized testing</i></p>	<p>Eligibility for Special Education under a Specific Learning Disability Classification SOURCE: National Center for Learning Disabilities</p> <p>Ensure that underachievement is not due to lack of appropriate instruction in reading or math SOURCE: RTI-based SLD Identification Toolkit</p> <p>Exclusionary Factors SOURCE: RTI-based SLD Identification Toolkit</p> <p>What a Specific Learning Disability is Not: Examining Exclusionary Factors SOURCE: National Center for Learning Disabilities</p>
How do we meet the requirement of an observation completed prior to the referral if a referral is made on a student who does not already have an observation? This may apply for parent referrals or students transferring in	<i>This also includes "or as part of the evaluation as described in NC 1503.2.5 through NC 1503-2.7". This context refers to observation of curriculum, instruction, and environment.</i>	<p>SLD Policy Changes (Approved June 4 2020)</p> <p>EC Division responses to public comments presented at NC State Board of Education (June 4, 2020).</p>

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from out of state	<p><i>These requirements provide another method to assist in ensuring the instructional and intervention requirements are met. Through an RIOT/ICEL organizational framework, the information brought forward as existing data are primarily targeted around Instruction, Curriculum and Environment (ICE) and (as referenced in the policy addendum), should assist in the documentation that:</i></p> <ol style="list-style-type: none"> <i>1) appropriate instruction was provided</i> <i>2) evidence-based interventions were delivered</i> 	<p>https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=220104&MIID=7060</p>
I have questions about the proposed revisions...looks like 2 interventions are not required, just an intervention?	<p><i>The '2 intervention requirement' resulted in practitioner confusion about data-based individualization (DBI). It was determined that a single intervention, when intensified appropriately, was sufficient to determine a lack of response. There are no empirical data we could locate specifying the importance of more than one intervention intensified in a systematic way (unless that intervention was determined to be an inappropriate match, which, may or may not be the case).</i></p>	<p>EC Division responses to public comments presented at NC State Board of Education (June 4, 2020).</p> <p>https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=220104&MIID=7060</p>
Could you please explain more about the idea behind making subgroup comparisons optional for teams rather than mandated? (Seems particularly challenging in schools with high poverty and majority of students not being successful with core instruction).	<p><i>This will be provided in guidance to ensure considerations of language acquisition with English Learners. Stakeholder feedback overwhelmingly indicated opportunities for misinterpretation.</i></p>	<p>EC Division responses to public comments presented at NC State Board of Education (June 4, 2020).</p> <p>https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=220104&MIID=7060</p>

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<p>Redetermining eligibility for SLD as part of triennial evaluation.</p> <p>What will re evaluations for SLD look like, particularly for children under the category of Developmental Delay, where SLD is considered as a new possibility?</p> <p>How are we to handle SLD reevaluation cases that lack sufficient documentation for having received supplemental instruction (we have their EC service documentation) and have minimal to no progress data?</p>	<p><i>The requirement for reevaluations remains the same: Through the reevaluation determination process, the IEP team decides what (if any) additional information is needed as part of the reevaluation.</i></p> <ul style="list-style-type: none"> ● <i>The review of existing data by the IEP team guides decisions regarding the data collection requirements for reevaluations.</i> ● <i>Academic performance data and progress monitoring data would be central to the data review process. These pieces of data should be regularly collected and reviewed as part of the progress monitoring plan for students with EXISTING SLD classifications (IDEA eligible).</i> ● <i>Each case is different, based on the available data that the team has to consider; some may need additional data collected as part of the reevaluation, others will not (same as it is currently) – again the focus of the data is <u>academic performance data</u> and <u>academic progress data</u></i> 	
TECHNICAL ASSISTANCE, TRAINING, PROFESSIONAL LEARNING:		
<p>What type of training will principals and schools get to prepare them for the new SLD policy</p>	<p><i>Since 2016, NC DPI has provided technical assistance and training via the following formats:</i></p> <ul style="list-style-type: none"> ● <i>MTSS Modules: 1,2,3 (District and</i> 	<p>Additional SLD specific resources and materials are available at: https://ncschoolpsychology.med.unc.edu/index.php/specific-learning-disability/</p>

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<p>When will school psychologists receive specific training about their role in MTSS and SLD identification?</p> <p>What will we do if our districts are not yet ready?</p>	<p><i>School)</i></p> <ul style="list-style-type: none"> ● <i>Annual Conference on Exceptional Children (pre-conference institutes and general sessions)</i> ● <i>EC Division sponsored March and Summer Institutes</i> ● <i>Quarterly Regional Meetings (EC and IABS division)</i> ● <i>2-day professional Learning for school psychologists (7, 2-day offerings provided; with seats for all school psychologists in the state available) (February 2019 - December 2019)</i> ● <i>School Psychology Communities of Practice (November 2019 - May 2020)</i> <p><u>July 2020:</u> <i>Self-paced SLD course available in NCEES</i></p> <ul style="list-style-type: none"> - <i>includes application/case example(s)</i> - <i>increases accessibility for all education staff who were not provided access to previous trainings available</i> 	
EVALUATIONS:		
<p>Are there specific best practices recommendations for what psycho-educational tests should be completed as part of identifying the need for special education services moving forward?</p>	<p><i>Academic performance data and academic progress monitoring data are the central focus of the instructional model of SLD evaluation and identification.</i></p>	<p>See NC MTSS Comprehensive Assessment Guidelines and determine appropriate tools based on this guidance regarding a comprehensive assessment system.</p>

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For students who are both Deaf and LD, please explain how we are to determine which disability is ""primary"" and how to determine that the learning disability is not ""primarily the result of"" the hearing loss	<i>Ruling out sensory impairments as primary is an existing exclusionary consideration for SLD determinations (i.e., not exclusive to July 1, 2020 SLD Policy)</i>	<p>Exclusionary Factors SOURCE: RTI-based SLD Identification Toolkit</p> <p>What a Specific Learning Disability is Not: Examining Exclusionary Factors SOURCE: National Center for Learning Disabilities</p> <p>Selective Use of Data on Cognitive Assessments within a Special Education Evaluation for a Child Suspected of Having a Specific Learning Disability SOURCE: National Center for Learning Disabilities</p> <p>VIDEO: Criterion 2 - What's Changed?</p> <p>SLD Fact Sheet #4 - Exclusionary Factors</p>
How will private evaluations with learning disability diagnosis be addressed with MTSS?	<i>The model of identification does not change for private evaluations. The IEP team will need to be able to communicate with the private provider, the academic performance and progress data that is required within an instructional model, and work to ensure that the necessary data requirements to inform eligibility are understood and collected as a part of the evaluation.</i>	<p>Application Tools:</p> <p>SLD Data Sources Organized by RIOT</p> <p>Sources of Evidence Document</p> <p>SLD Instructional Model Checklist</p> <p>Data Mapping Template - Case Examples</p>
Is there a form for the new observation requirements?	<i>The observation Fact Sheet is currently being updated to reflect the recent SLD Policy adjustments and technical corrections. It will include generic examples that LEAs may use to support the observation requirements.</i>	Fidelity of Instruction and Intervention in an MTSS
Are we still going to be allowed to use IQ/achievement assessments to determine	<i>When an SLD evaluation is focused on gathering information for the identification of</i>	<p>Fact Sheet #3 Diagnostic Assessment</p> <ul style="list-style-type: none"> ● Webinar

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<p>eligibility without ""using the discrepancy formula?</p>	<p><i>effective instruction, the utility of an intellectual evaluation is diminished. In fact, "...there is no converging scientific evidence that such measurement is important in the identification of LDs, including dyslexia (Fletcher & Lyon, 2008, pg. 29)."</i></p> <p><i>Accordingly, effective July 1, 2020:</i></p> <ul style="list-style-type: none"> ● <i>A psychological evaluation, which includes measures of intellectual ability, as a requirement for a comprehensive evaluation for SLD is removed from policy.</i> ● <i>The use of cognitive discrepancy formulas of any type for the purposes of determining eligibility for SLD is prohibited.</i> ● <i>The use of cognitive assessments that lead to important instructional decisions is permitted.</i> ● <i>Multiple sources of educational data, including formal and/or informal diagnostic data, are required.</i> 	<ul style="list-style-type: none"> ● Q&A
<p>Will school psychologists be required to cite the specific evidence supporting an intervention used with a student as part of the psychological report or will this information need to be cited within the MTSS description of interventions?</p>	<p><i>The evaluation reporting is to be reflective of the available data gathered through the evaluation process.</i></p> <p><i>The decisions regarding intervention selection and evidence-base to support their selection would ideally have been reflected by the problem solving team responsible for</i></p>	<p>NC MTSS Implementation Guide: Establishing Readiness to Build an Intervention System</p>

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	<p><i>delivering the intervention and provided to the IEP team for consideration.</i></p>	
<p>School psychologist's responsibility for high risk students who repeatedly end up in low growth classrooms where "lack of appropriate instruction" cannot be ruled out? Identifying a learning disability would be difficult, and withholding services a risk.</p>	<p><i>Addressing, instructional, curricular, and environmental factors that contribute to low proficiency and growth rates of groups of students is everyone's responsibility.</i></p> <p><i>Although these factors increase the complexity in identification of specific learning disabilities, it is ultimately, the IEP team's obligation to ensure that these factors do not exclude students that are suspected of having learning disabilities from being identified.</i></p>	<p>Fidelity of Instruction and Intervention in an MTSS</p> <p>Adequate Instruction Decision Guidelines</p>