

# Implementing Wisconsin Criteria for Specific Learning Disability (SLD)

Fall 2011 Workshop

**Welcome!**

# Workshop Agenda

- Introduction and Overview
- IEP Team Evaluation
- SLD Rule in Detail
  - Three criteria
  - Evaluation activities
  - Documentation requirements
- Other Issues and Considerations
- Questions/Discussion

# Where have we been? Where are we going?

- “Unexpected Underachievement”
  - Achievement delays despite circumstances that support successful learning; assumes adequate instruction
- How determined?
  - Past: evidence of in-child deficit: low achievement, significant discrepancy, processing problems
  - Present: low achievement, insufficient response to instruction and intervention.

# Legislative Background

- Changes in Federal law and regulations
- Task Force
- Stakeholder Input and Public Hearings
- Revised PI 11 rules effective December 1, 2010

# Definition of SLD

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, motor disabilities, cognitive disabilities, emotional disturbance, cultural factors, environmental, or economic disadvantage. PI 11.36(6)(a)

# IEP Team Evaluation

- Referral and Notice
- Review of existing data
- Consent for additional testing if needed (60 days unless extension by agreement)
- IEP Team meeting to determine eligibility
- IEP developed if student determined to have impairment and need for special education (30 days)

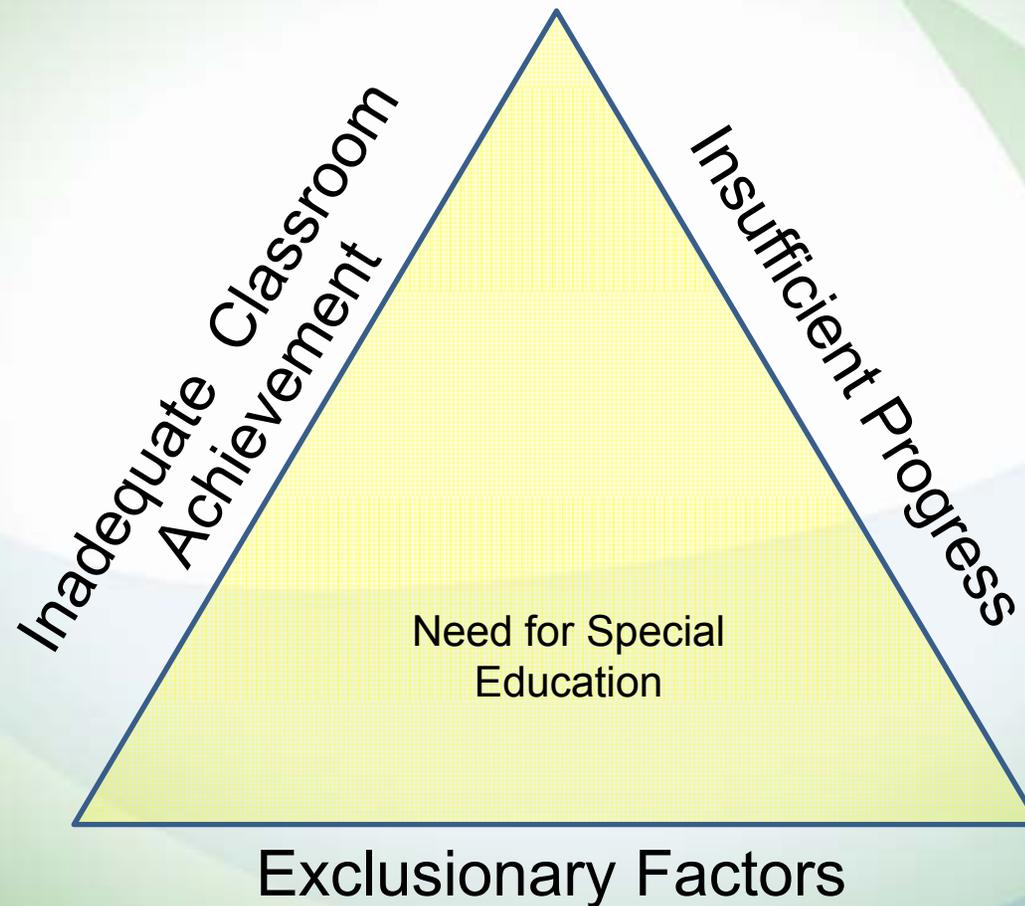
# Overview: WI SLD Rule



- **Three Criteria:**
  - Inadequate classroom achievement (after intervention)
  - Insufficient progress (2 methods)
  - Consideration of exclusionary factors
- **Sources of Data**
  - Observation
  - Formal and informal assessment data
- **Documentation requirements**



# Wisconsin's SLD Rule Impairment Criteria



# December 1, 2010

- Documentation of Intensive Intervention before assessing Classroom Achievement
- Inadequate Classroom Achievement defined as 1.25 SD or more below the mean for same age peers
- Additional Exclusionary Factor: Lack of appropriate instruction in the area(s) under consideration (not just reading and mathematics)

# Reevaluation

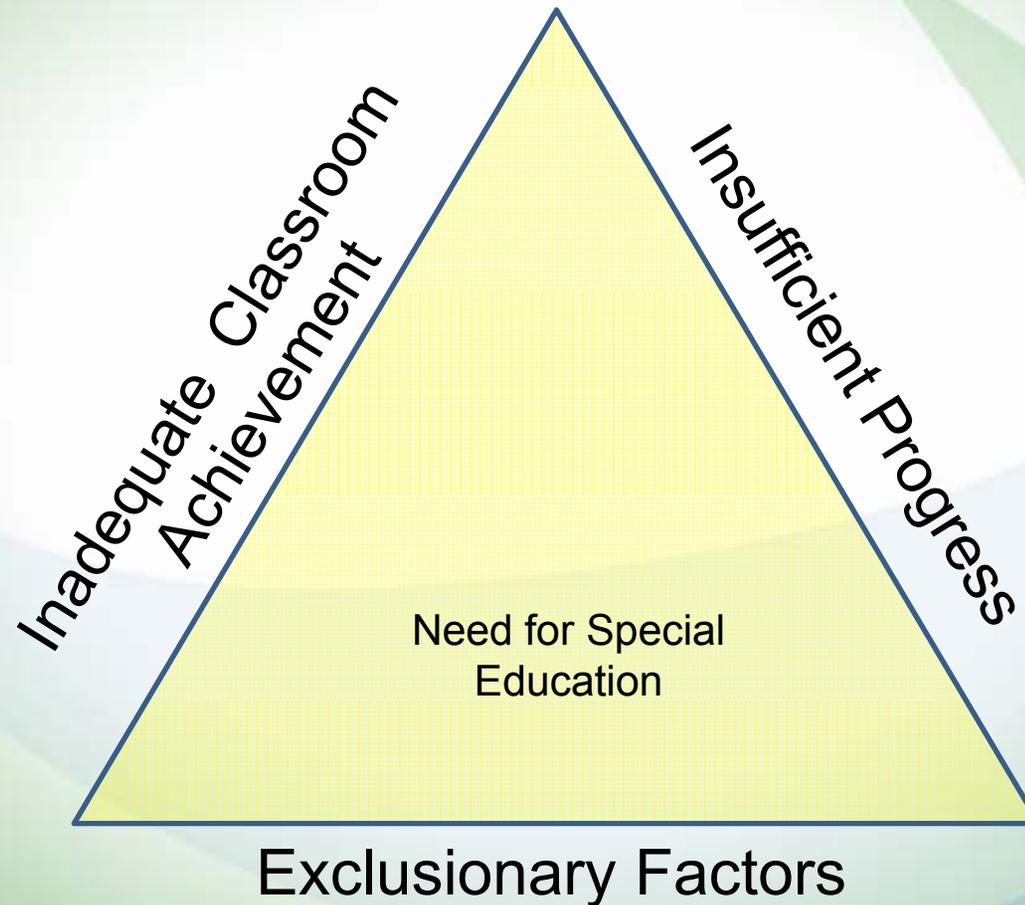
- Criteria for continuing SLD impairment is the same as prior to December 1, 2010
- A student remains eligible if:
  - There is continued demonstrated need for special education AND
  - No exclusionary factors apply
- Criteria standards for Inadequate Classroom Achievement and Insufficient Progress standards DO NOT apply.

# Think-Pair-Share

**TASK:** With your table partners discuss this question and be ready to share your ideas

1. How has the revised rule changed SLD evaluation activities in your district so far?
2. Have the data collection methods or types of evaluation data changed?

# Wisconsin's SLD Rule



# Overview: WI SLD Rule

## Eight Areas

- oral expression
- listening comprehension
- written expression
- basic reading skill
- reading fluency
- reading comprehension
- mathematics calculation
- mathematics problem solving

# SLD Criteria: Exclusionary Factors

## Exclusionary factors identified in rule

- Other impairments
- Environmental, economic or cultural factors
- Limited English proficiency
- Lack of appropriate instruction in reading, math or any of the other eight SLD achievement areas being considered

# Applying the Exclusionary Factors

How are the exclusionary factors applied to determining SLD eligibility?

- The IEP team may NOT identify a student as SLD if any of the exclusions is the primary reason for inadequate classroom achievement or insufficient progress

# Exclusions

## Cultural, Environmental or Economic Factors, or Limited English Proficiency

- Possible questions to discuss
  - Is the referred student a member of a cultural, economic or language related subgroup?
  - What is the academic progress (in the area of student concern) of the subgroup compared to ALL students at the grade or age level?
  - Is there other relevant data about the student's individual performance and instructional history?

# Exclusion

## Lack of Appropriate Instruction

The IEP team may not identify a student as SLD if the reason for inadequate classroom achievement or insufficient progress is a lack of appropriate instruction

- IEP team considers appropriate general education instruction in the area(s) of concern
- No requirement to document appropriate instruction in all 8 areas

# Exclusion: Lack of Appropriate Instruction

Use student specific information to verify appropriate instruction was provided such as:

1. Core (universal) instruction provided regularly
2. Student attended school regularly to receive instruction
3. Core instruction delivered according to design and methodology by qualified personnel
4. Differentiated instruction in the core curriculum was provided

# Exclusion: Lack of Appropriate Instruction



To verify that appropriate instruction was provided, IEP teams may choose to use grade level information such as:

- Statewide assessment participation and results
- District wide assessments aligned to standards.
- Grade level common assessments.

# Think-Pair-Share

**TASK:** With your table partners discuss these questions and be ready to share your ideas

- Why is a discussion about exclusionary factors important for SLD evaluation?
- What data might you look at to consider exclusionary factors?
- How might consideration of these factors change the IEP team meeting discussion?

# Sources of Data

## Full and Individual Evaluation

- The IEP team must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student including information provided by the parent. [34 CFR 300.304 (b)]
- Includes formal and informal assessment data and systematic observation

# Sources of Data

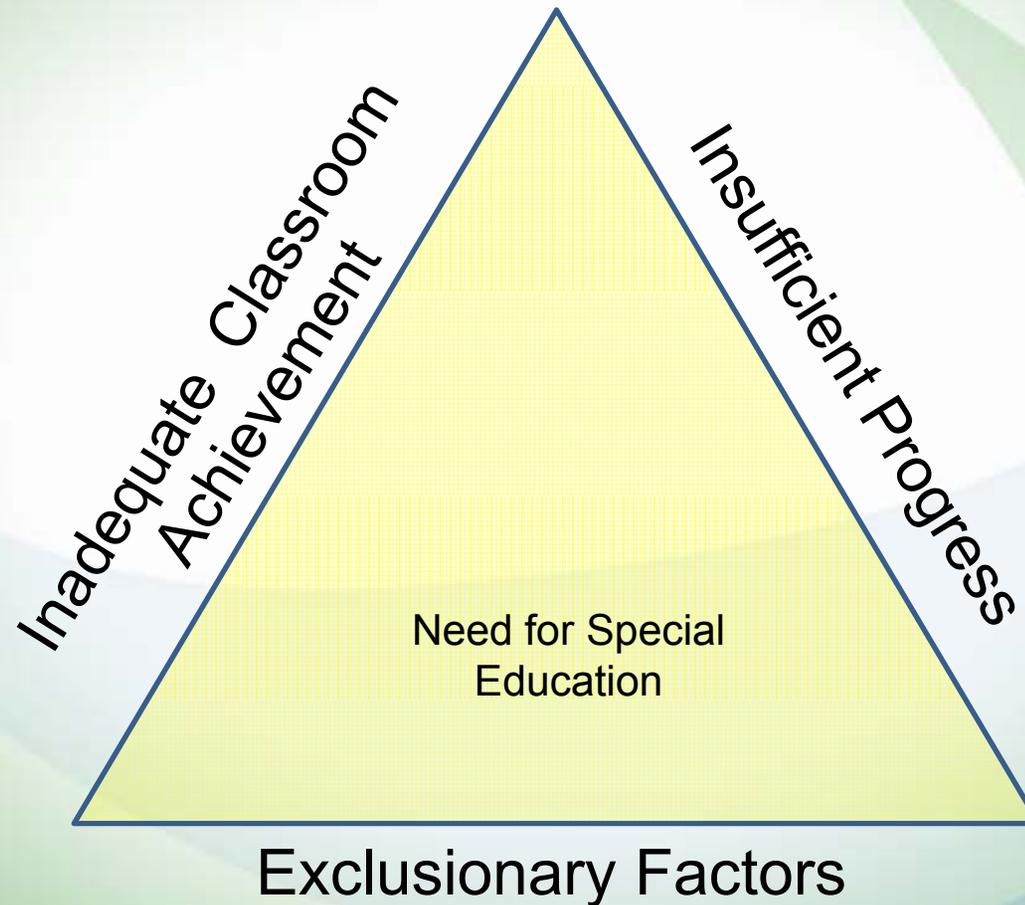
## Examples:

- Standardized, individually administered, norm referenced tests
- Other classroom assessment data; formative and summative data linked to grade level standards
- Data from instruction; work products
- Other observational data

# Systematic Observation

- At least one systematic observation of routine classroom instruction is required for all SLD evaluations.
- One observation may address multiple areas of concern
- The observation must be conducted by a member of the IEP team
- Documentation options: ER-1, ER-2, other

# Wisconsin's SLD Rule Impairment Criteria



# SLD Criteria

## Inadequate Classroom Achievement

- When first identified, a student's classroom achievement is inadequate when the student, in one or more of eight potential areas of SLD, does not
  - achieve adequately for his or her age, OR
  - meet state-approved grade-level standards
- Assess after intensive intervention

# Intensive Intervention

- Definition: A systematic use of a technique, program or practice designed to improve learning or performance in specific areas of student need
- Provided as part of general education; implemented by licensed general education staff

# Standards for **ALL** Intensive Interventions

- Used with individual or small groups
- Focused on single or small number of discrete skills.
- Include substantial number of instructional minutes beyond what is provided to all students.
- Applied in a manner highly consistent with its design, closely aligned to student need.
- Culturally responsive.

# Criterion

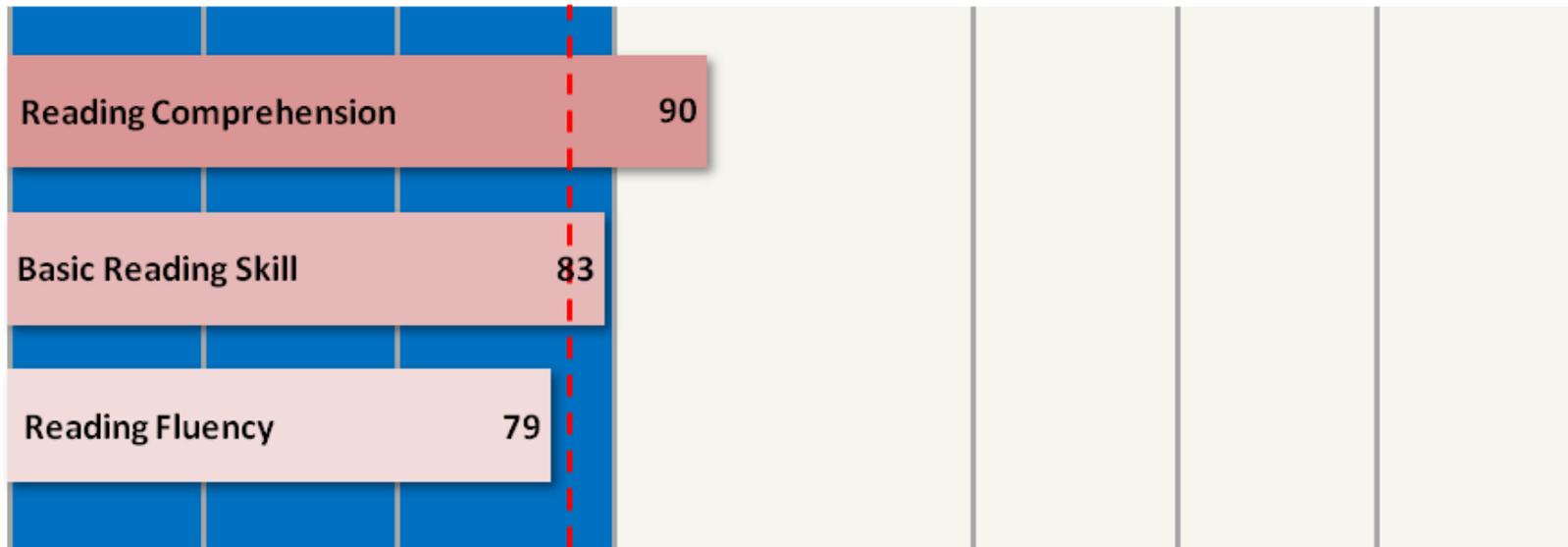
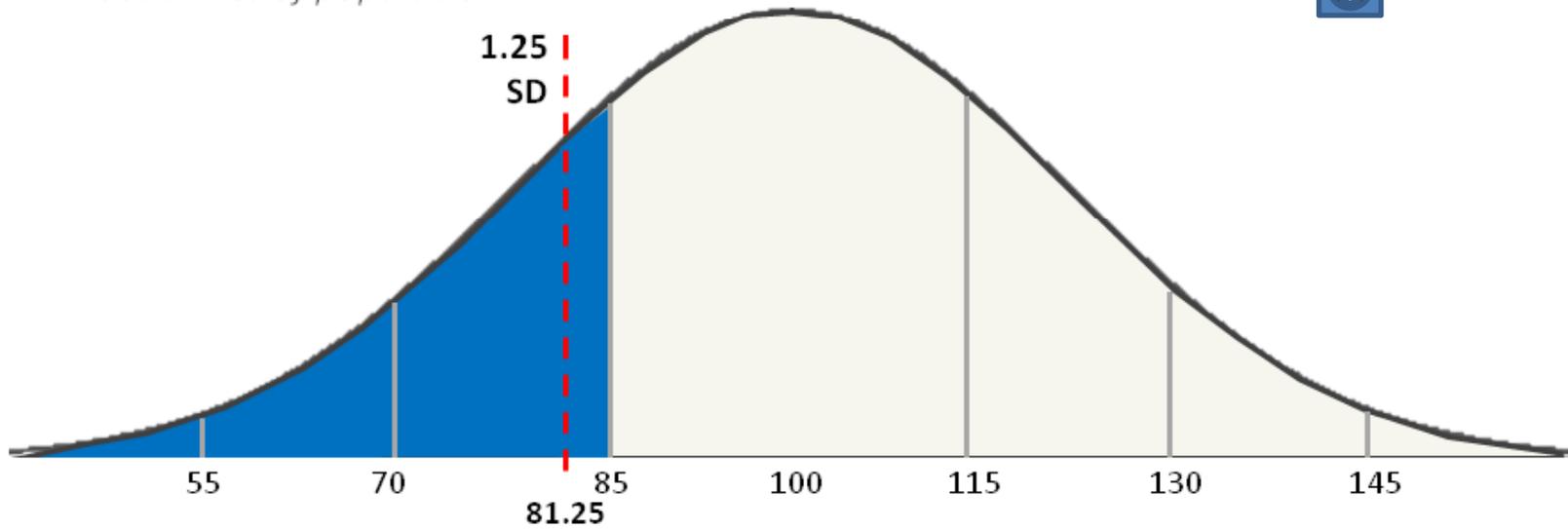
## Inadequate Classroom Achievement

- Student's standard score is 1.25 Standard Deviations below the mean or lower
- Use an achievement test that is:
  - Individually administered
  - Norm referenced
  - Valid and reliable, and
  - Diagnostic of impairment in area(s) of potential SLD under consideration

# Analysis of Valid, Reliable Standard Score

- Determine if the score is 1.25 standard deviations (SD) below the mean.
  - Use the technical or examiner's manual to determine the mean and standard deviation.
- Example: (mean of 100 and SD of 15)
  - 1.25 SD below 100 is 81.25. On this test, the child's score must be 81 or below to demonstrate inadequate classroom achievement..

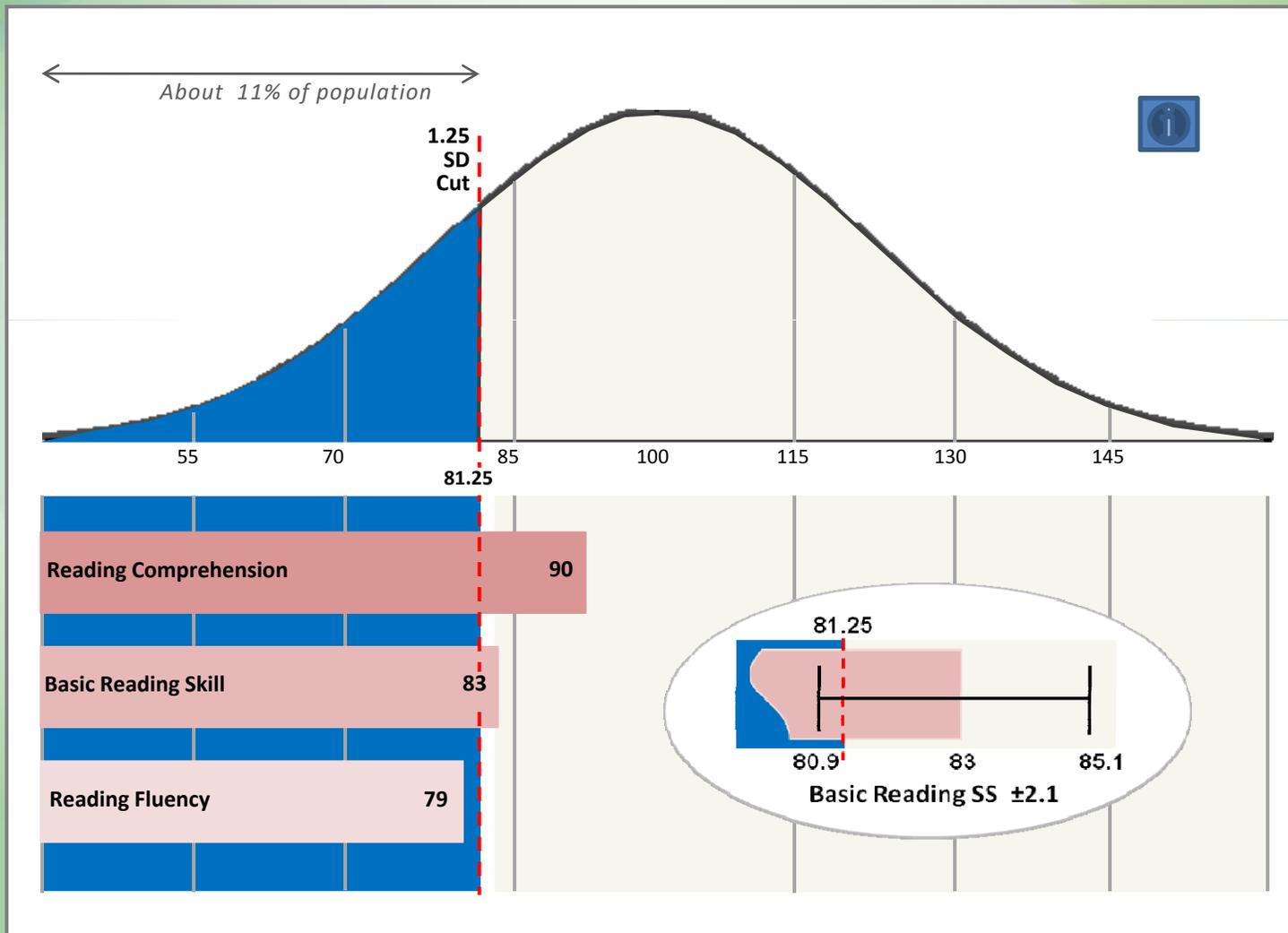
← About 11% of population →



# Inadequate Classroom Achievement

- 1.25 SD cut score on reliable/valid test
- Exceptions
  - When valid, reliable score can not be obtained
    - Behavior, language, other impairment
    - No appropriate standardized tests for student's age.
    - Must document with other empirical evidence.
  - Scores within 1 SEM (standard error of the measurement) of 1.25 SD may be considered when the student meets all other criteria

Composites	Standard Score (SS)	Percentile Rank	SEM by age
Reading Comp.	90	25 <sup>th</sup> %ile	NA
Basic Reading Skills	83	13 <sup>th</sup> %ile	2.1
Reading Fluency	79	8 <sup>th</sup> %ile	NA



# Questions

## Inadequate Achievement

- FAQ #: Does a student's intellectual ability affect how the IEP team applies the inadequate classroom achievement criterion?
- FAQ #: If a student was administered a standardized achievement test **prior to** receiving intervention, can the scores from this test be used to decide if the student meets the inadequate classroom achievement criterion?

# Activity

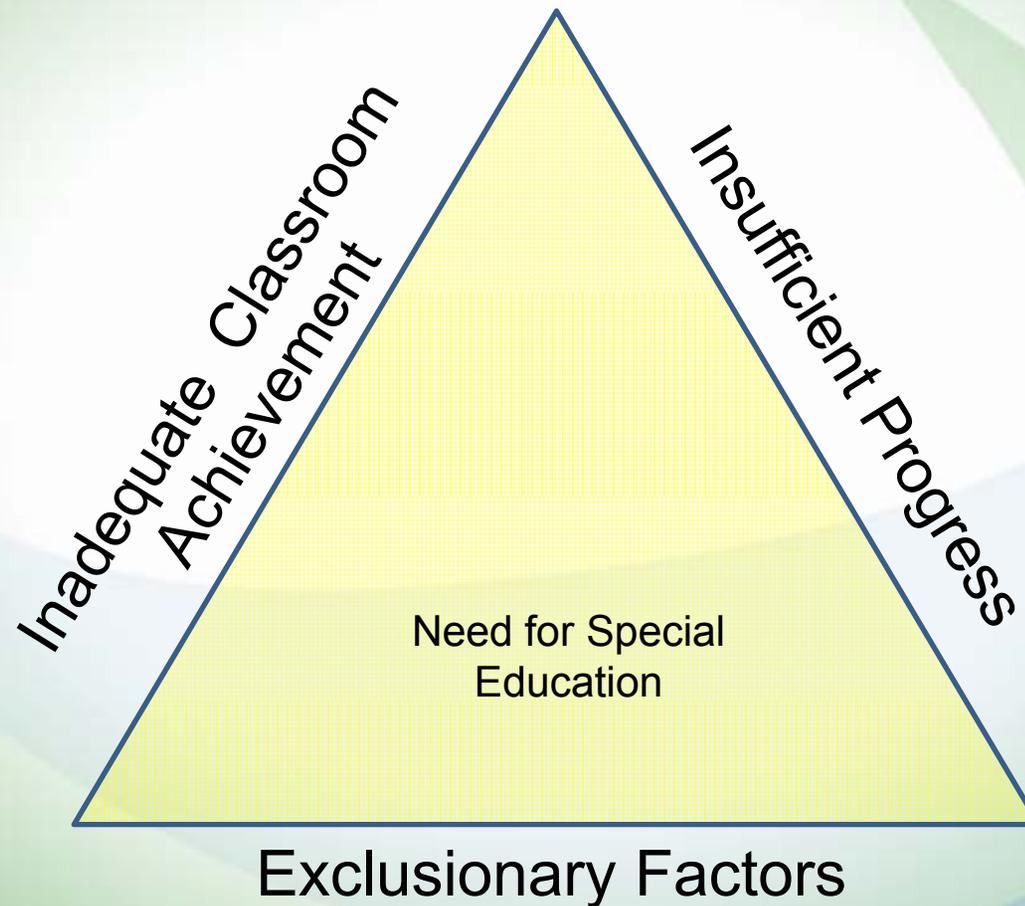
## Inadequate Classroom Achievement

*TASK:* Use the Inadequate Achievement Handout to complete these activities with your table partners.

1. Discuss the questions at the bottom of the handout, and be ready to share your ideas.
2. Identify on the DPI sample forms, where to document inadequate classroom achievement, and what statement(s) could be made.



# Wisconsin's SLD Rule Impairment Criteria



# Criterion: Insufficient Progress

- Method 1: Insufficient progress based on a student's response to intensive scientific, research-based or evidence-based intervention required in public schools December 1, 2013 (aka using progress monitoring data from intensive intervention)
- Method 2: Significant Discrepancy between academic achievement and intellectual ability; permitted in public schools until November 30, 2013.

# Significant Discrepancy

- There have been no changes to the standards for determining significant discrepancy
- The use of Significant Discrepancy will sunset for public school students as of December 1, 2013
  - Resources on the use of Significant Discrepancy are available on the DPI website at <http://dpi.wi.gov/sped/ld.html>

# Insufficient Progress using Data from Intensive Intervention

- Insufficient Progress using progress monitoring data from intensive intervention will be used in all public schools beginning December 1, 2013
- The decision to start using this method must be made on a school wide basis and parents must be notified 10 calendar days before its first use

# Insufficient Progress using Data from Intensive Intervention

The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas of potential specific learning disabilities when using a process based on the student's response to intensive scientific, research-based or evidence-based interventions.

# Insufficient Progress using Data from Intensive Intervention

## What is progress monitoring?

- A scientifically based practice to assess student response to intervention
- Uses valid and reliable PM tools (probes)
  - brief, direct measures of specific academic skills, with multiple equal or nearly equal forms, that are sensitive to small changes in student performance, and provide valid, reliable measures of performance during intervention. PI 11.02 (9)

# Standards for **ALL** Intensive Interventions

- Used with individual or small groups
- Focused on single or small number of discrete skills.
- Include substantial number of instructional minutes beyond what is provided to all students.
- Applied in a manner highly consistent with its design, closely aligned to student need.
- Culturally responsive.

# Standards for Intensive Interventions to Consider Insufficient Progress using PM

- Must meet standards for all intensive interventions
- **ADDITIONAL** features:
  - Scientific research-based or evidence-based.
  - Closely aligned to individual learning needs (area of concern)
  - Implemented with adequate fidelity
  - At least TWO interventions required

# Insufficient Progress using Data from Intensive Intervention



How frequently must progress monitoring occur?

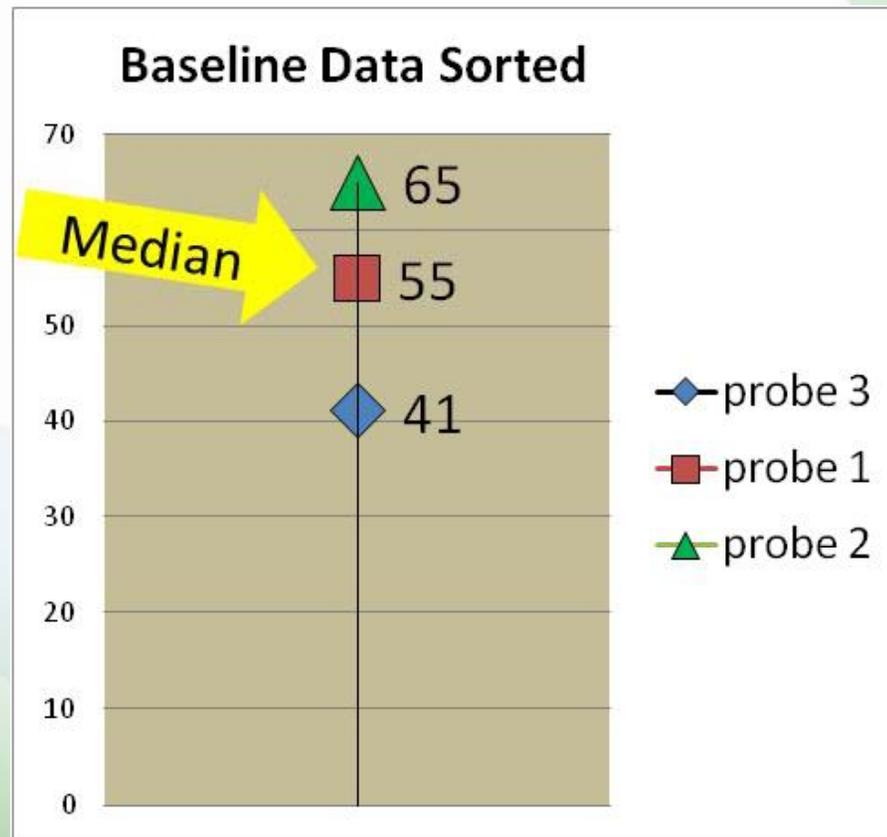
- Progress monitoring data from intensive intervention must be gathered weekly or more often.
- When an intensive intervention does not call for weekly progress monitoring data, another appropriate progress monitoring tool must be used to gather data at least weekly.

# Insufficient Progress using Data from Intensive Intervention

## Determining Insufficient Progress

- Establish baseline
  - For each intervention, baseline is set using the median score of 3 probes.
- Begin Intervention
- Collect weekly or more frequent progress monitoring (PM) data
- Use baseline and subsequent PM data to analyze progress using least squares regression.

Baseline Data as Collected		Baseline data- sorted low to high
probe 1	55	41
probe2	65	55
probe 3	41	65



# Insufficient Progress using Data from Intensive Intervention

What is least squares regression and how is it used?

- A statistical method for analyze multiple data points
- Places PM data on a line and illustrates progress as a “slope”
- A steeper slope means a greater change in achievement from baseline
- A flatter slope means a smaller change from baseline

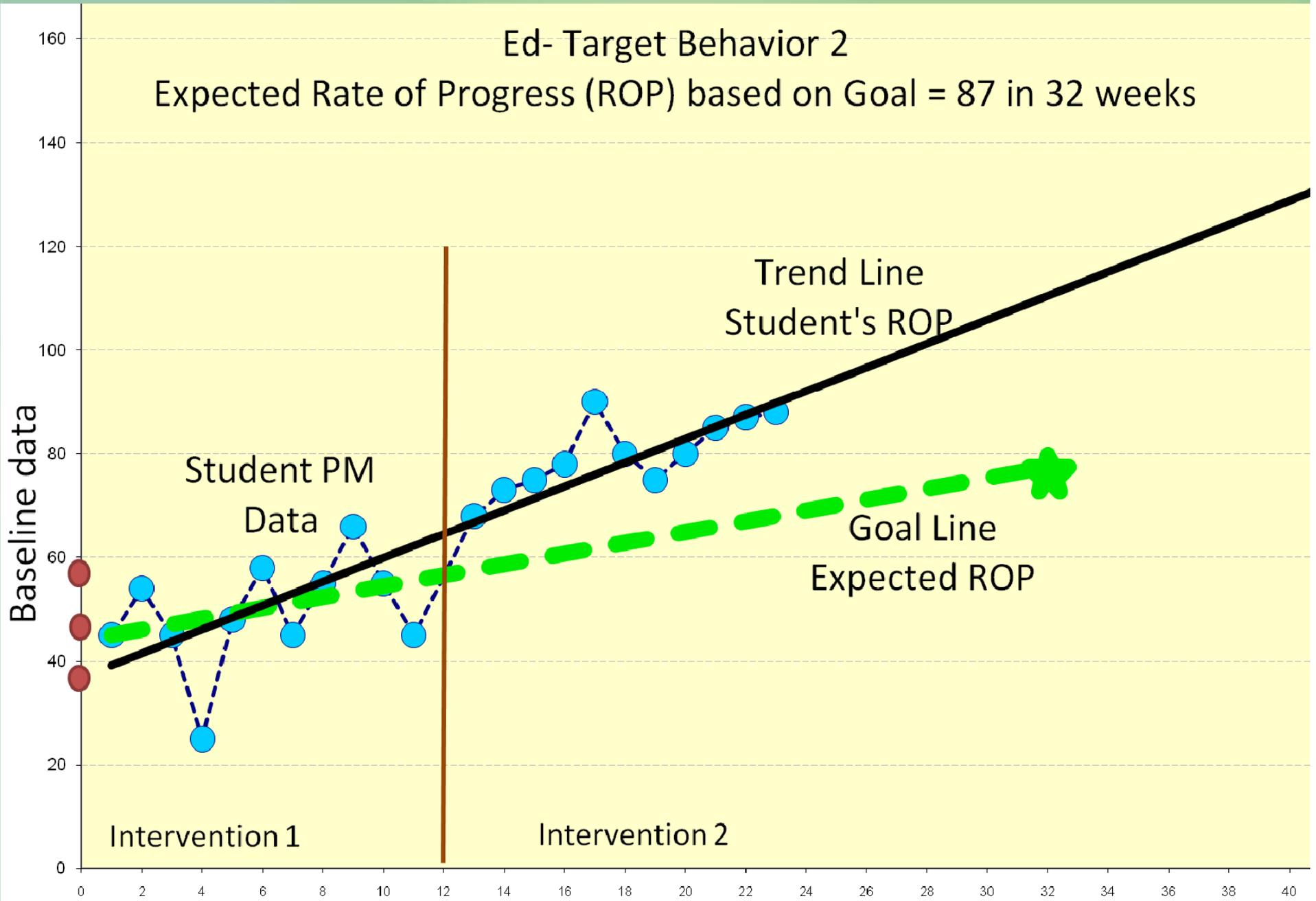
# Insufficient Progress using Data from Intensive Intervention

When is the rate of progress considered insufficient?

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

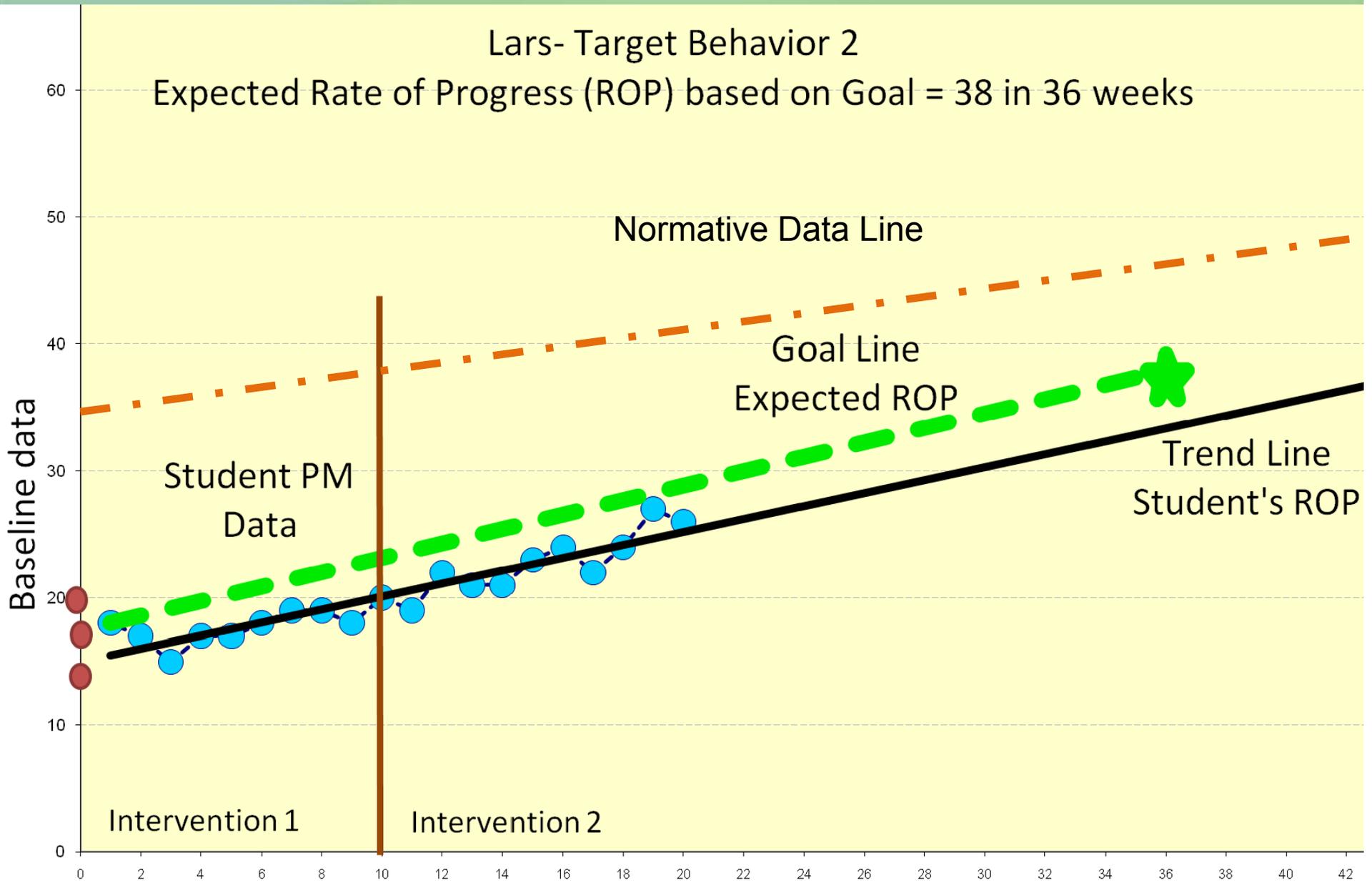
# Ed- Target Behavior 2

Expected Rate of Progress (ROP) based on Goal = 87 in 32 weeks



# Lars- Target Behavior 2

Expected Rate of Progress (ROP) based on Goal = 38 in 36 weeks



# Activity

## Insufficient Progress using PM Data

*TASK:* Use the activity handout to discuss whether the student meets the Insufficient Progress criterion. Be ready to share your ideas.

- Review the data charts in relation to the three insufficient progress decision rules
- Discuss the example questions
- Identify on the DPI sample forms where you might document the IEP team determination and what statement(s) might be made



# Additional Requirements: Insufficient Progress using PM Data

## Additional IEP Team member roles:

- Licensed person qualified to assess data on individual rate of progress
- Licensed person who implemented scientific, research-based or evidence-based, intensive interventions
- Licensed person qualified to conduct individual diagnostic evaluations
- Student's general education teacher; or individual licensed to teach a student of the same age (required of all IEP teams)

# Additional Team Member Roles

- One team member can serve multiple roles
- Only required for initial evaluation when using data from intensive intervention to determine insufficient progress.
- Required beginning December 1, 2013
- Documented on: “*Notice of Receipt of Referral and Start of Initial Evaluation.*” 

# Additional Observation Required

When a school begins using data from intensive intervention to determine Insufficient Progress:

- At least 1 systematic observation of routine classroom instruction
  - At least 1 systematic observation during intensive intervention
  - These are separate observations.
- Both types required by December 1, 2013

# Additional Observation Required

- During intervention by someone other than the person providing intervention
- Purpose to observe the student and their response to the intensive intervention being provided
- In addition to the systematic observation during general classroom instruction
- Individual conducting observation is a member of the IEP team

# Additional Requirements: Insufficient Progress Using Data from Intervention

- Additional notifications to parents
  - Progress monitoring data collected
  - Strategies for improving rate of learning including intensive interventions used
  - Parent right to request an evaluation
    - May document on the ER-2
- Notify all parents of enrolled students 10 days before start using this criterion
  - when a school begins to use data from intensive intervention for this criterion, must do so for ALL initial SLD evaluations

# Insufficient Progress Using Data from Intervention in Non-public Settings

- IEP team may use significant discrepancy to determine insufficient progress for parentally placed private school students and students receiving home-based private education

# Documentation Requirements



- Whether or not the SLD impairment criteria are met, and the basis for the decision.
- Relevant behavior, if any, noted during required observation and the relationship of observed behavior to academic functioning.
- Educationally relevant medical findings, if any
- Intensive intervention applied highly consistent with design, closely aligned to student need, and culturally appropriate.
- Signature of each IEP team member

# Other Considerations

# SLD & Speech/Language

- SLD can co-exist with Speech and Language (S/L) impairment
- When only concern(s) is oral expression or listening comprehension IEP team MAY consider if the student has S/L
- SLP recommended on IEP teams considering oral expression; listening comprehension
- SLP required if S/L being considered

# SLD Criteria & Young Children

- Some considerations
  - Great variability in early achievement skills
  - Early experience can greatly influence skill development; adequate instruction is a concern
  - Assessments at this age level may lack adequate reliability
  - Some areas of achievement cannot be assessed appropriately at a young age (e.g. written expression)

# Transfer Students

- Transfer provisions are consistent with those for all students with disabilities
- A student determined to be eligible for special education and related services remains eligible upon transfer to another school or LEA until an IEP team determines otherwise.

PI 11.06(e)(4)

34 CFR 300.323 (e) and (f)

# The SLD Rule & Rtl Systems

- A fully implemented Rtl system is NOT required to implement the SLD rule
- Resources available at <http://www.wisconsinrticenter.org/educators/sld-rti.html>
  - *WI Rtl Brief: Specific Learning Disabilities Rule Implementation and Rtl*
  - *WI SLD Rule: Guiding Questions For Self-Assessing Readiness for Implementation*

# Activity

TASK: With your table partners review the *Guiding Questions For Self-Assessing Readiness for Implementation* and discuss:

- Which areas are already being implemented well in your school?
- Which areas are most challenging to put in place?
- Be ready to share your ideas

# SLD Listserv Email Updates

- One SLD contact from each district. To join, send an email to  
[join-sld@lists.dpi.wi.gov](mailto:join-sld@lists.dpi.wi.gov)
- If you were on the old LD PST list, you should have been automatically added
- Check for email from  
[kathleen.trotta@dpi.wi.gov](mailto:kathleen.trotta@dpi.wi.gov)

# Resources

Documents referenced in this presentation are available on the DPI Website at:

<http://www.dpi.wi.gov/sped/ld.html>

For more information contact the Special Education Team at 608-266-1781 or [dpisped@dpi.wi.gov](mailto:dpisped@dpi.wi.gov)

For information about implementing RtI systems:

<http://www.wisconsinrtcenter.org/home.html>