Determining the Eligibility of Students with Specific Learning Disabilities

A Technical Manual



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Determining the Eligibility of Students with Specific Learning Disabilities (SLD)

Introduction

Intended Audience

This manual is a technical guide for teams of SLD teachers, school psychologists, preservice teachers, parents, administrators and others responsible for making special education eligibility determinations for students. It includes legal requirements, practical advice, and theory that will guide teams through this process

The SLD Manual is part of a larger training and educational effort to prepare teams to perform their jobs. Alone, the SLD Manual is not adequate preparation for performing the tasks required to determine eligibility. The SLD Manual assumes that readers hold a working knowledge of characteristics of specific learning disabilities, measurement and evaluation, and data-based decision-making.

To learn about all of the resources available to assist teams responsible for determining the eligibility of students with Specific Learning Disabilities for Special Education services, visit the Minnesota Department of Education (MDE) Specific Learning Disabilities Webpage (http://education.state.mn.us/MDE/Learning_Support/Special_Education/Categorical_Disability_Information/Specific_Learning_Disabilities/index.html).

Overview

The Determining the Eligibility of Students with Specific Learning Disabilities Technical Manual (SLD Manual) contains background information, processes and procedures, laws and rules, suggested quality practices, other information and tools to help users identify students suspected of having a specific learning disability (SLD). Educators, administrators, evaluators and other members of the field will find the resources they need to perform their part in the SLD identification process. The information contained herein will also prevent the misidentification of students with low achievement that may be more accurately attributed to factors other than those related to a specific learning disability.

In order to provide clarity, the order of the SLD Manual chapters follows the chronological phases in the SLD identification process. Readers will find that the overarching premise of the SLD Manual is that intervention is an integral and necessary part of a comprehensive assessment process that results in ecological validity and instructionally meaningful findings.

Chapters 1-2 provide foundational information to help readers understand the context of the SLD identification process. Chapters 3-7 contain the hands-on, practical steps and tasks in the identification process, from the earliest detection activities through request for evaluation. Chapters 8-10 contain the sources of data and frequently asked questions that come up during the evaluation and eligibility determination process. Chapter 11 contains the steps in drafting the IEP and Chapter 12 has information relevant to identifying co-existing disorders.

Changes in federal regulations made during the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) and state rules put forward two options for identifying a student as eligible for special education services under the category of Specific Learning Disability. The SLD Manual embeds criteria articulated in the Minnesota Special Education Rules. It also contains a sequenced chapter-by-chapter illustrative example to explain and describe the procedures and the data to be gathered in each phase and step of the process.

Important: The SLD Manual is not meant to prescribe to districts how to design and implement a system of *Scientific research-based interventions (SRBI)*. Rather, it is meant to help teams acquire data generated from a system of SRBI that is technically valid and reliable for making an eligibility determination to receive special education services. Learn about



Standard Sections

The following sections appear in every chapter.

Regulations and Rules: Federal laws and regulations as well as Minnesota statutes and rules that guide practice in eligibility determinations appear at the beginning of each chapter. They are included as a point of reference to help teams understand how the guidance specifically operationalizes the legal requirements as well as to provide a check for local districts to evaluate their own policies and procedures against legal requirements.

Process Figure: A figure displays in the titles of Chapters 3-10 to help orient the reader to the contents of the chapter, which covers a phase in the eligibility process. The figure also shows where the chapter fits into the overall process.

The figure below is an example and corresponds to Chapter 6: Modifying Interventions.



6. Modifying Interventions

Figure 0-1. Example of Chapter Title

Illustrative Examples: Illustrative examples show how theory was put into practice. They provide a scenario that shows how one team carried out their tasks related to the topic being discussed.

Case Study: A continuous case example progresses through the SLD identification process and likewise correlates to the contents of the chapter being read. The case study provides context for the activities and procedures that occur in the phase described in the chapter. The case studies have been carefully selected to reflect situations where making eligibility determinations are challenging.

The case studies explain the federal laws and regulations, state statutes and rules that establish minimum legal standards for compliance for each step and phase of the process.

Federal laws and regulations and state statutes and rules establish minimum legal standards and are clarified and enhanced through legal processes like those of continuous improvement.

Minimum legal standards do not always set out to become or align with research-based quality practices. Both legal standards and quality practices continue to evolve and no assurance can be made that quality practices will evolve into the minimum legal standard.

Quality Practice: Descriptions of research-based and valued practices provide readers with guidelines that, if followed, will yield valid and reliable information from which to make an eligibility determination. Readers should continually update their knowledge of statutes and quality practices.

Glossary: To establish common language and consistency with legal definitions, important glossary terms appear in an italicized font. A key symbol in the margin of the manual indicates the italicized terms can be found in the SLD Glossary.

Note: "Research-based procedures" and "scientific research-based interventions (SRBI)" are terms defined in Reauthorized Federal Individuals with Disabilities Education Act (IDEA) 2004 and the No Child Left Behind Act (NCLB).

References: The last section in every chapter includes resources on topics of interest related to the chapter.

Icons: The following icons appear in the SLD Manual to help identify important information.

Icon	Explanation
	Federal laws and regulations, or state statutes and rules.
Q	Research-based quality practices that yield valid and reliable information useful in making eligibility determinations.
	Illustrative examples.



What's New

Users familiar with the previous version of the SLD Manual, called The Specific Learning Disabilities Companion Manual, will find a number of important revisions:

 Changes in the state specific learning disability criteria (Revised Minnesota Rule 3525.1341, September 2008) due to the Reauthorized Federal *IDEA* (2004) and the final regulations issued in August 2006. (The "learning disability" definition has not changed.)



- References to revised Minnesota state statutes that include the use of researchbased interventions and instructional strategies prior to referring students for evaluation for special education.
- The latest research and quality practices on identifying and evaluating students for SLD.
- Updated list of revised or re-normed assessment tools.

Determining the Eligibility of Students with Specific Learning Disabilities

1. Orientation to Specific Learning Disabilities

Contents of Chapter 1

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Chapter Overview

This chapter covers definitions of specific learning disability, federal laws, regulations, state statutes and rules, as well as those affecting school districts in Minnesota. The information in this chapter will also help those who work in the field ensure that students receive their rights as well as the best educational response that the laws allow.



Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance and are provided below to help readers understand the requirements of the law.

Note: Minimum legal standards are established in federal law, federal regulations, state statutes and state rules. Change in federal law triggers change and re-alignment in federal regulations, state statutes and state rules. Reauthorized Federal IDEA 2004 led to the process of gathering public input and aligning federal regulations (released in August 2006) and Revised Minnesota Rule September 2008.

The time between the passage of a new law and how it is operationalized for local schools can create a period of misalignment or lack of clarity. Although legal issues can be clarified and enhanced in multiple ways, legal clarification resembles that of a continuous improvement process. Each cycle of enhancement or clarification can lead to increased rigor of legal standards and/or require changes in implementation at the district and school level. In general, this process takes about 18 months. The figure below illustrates this process.

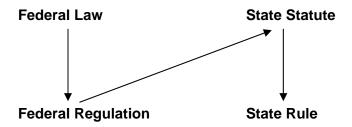


Figure 1-1: Path of Federal Law to State Rule.

The rest of the Regulation and Rules section reviews Minnesota Rule 3525.1341 - Specific Learning Disability, which relates to the definition of specific learning disability as determined by Subpart 1. **Definition.** "Specific learning disability" means 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.

The disorder is:

- A. Manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the child does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment; and
- B. Demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorders; or environmental, cultural, economic influences, limited English proficiency or a lack of appropriate instruction in reading or math.

Note: Terminology in IDEA and Minnesota are not always the same. What in Minnesota is referred to as Developmental Cognitive Disability (DCD) is in federal law termed Mental Retardation (MR). A further illustration of this is related to the use of brain injury as referenced in the Federal Law definition of SLD. In Minnesota, Traumatic Brain Injury is its own disability category and not part of Specific Learning Disabilities.

Federal and Minnesota Definition of Specific Learning Disabilities

Revised Minnesota Rule September 2008 restates the Reauthorized Federal IDEA 2004 Definition of SLD. The definition includes a description of a "specific learning disability" as well as "disorder." The definition is further specified by conditions A and B. Readers will find that both conditions have to have documented evidence indicating that the team has considered them in the eligibility determination.

A specific learning disability is not synonymous with "dyslexia" or reading disorder.

The term specific learning disabilities (SLD) as defined in *Reauthorized Federal IDEA 2004* means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written communication that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations.

Color

Conditions such as *perceptual disabilities*, *brain injury*, *minimal brain dysfunction*, *dyslexia* and *developmental aphasia* are included in the definition. Although many of these terms are not widely used in Minnesota, they reflect the evolution of what is known about specific learning disabilities. The terms mentioned in the federal definition, although not used in Minnesota, may be in use in some areas around the country, so it endures in federal regulations.



The term specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, of environmental, cultural or economic disadvantage, of limited English proficiency, or a lack of appropriate instruction in reading or math. It is also understood that while specific learning disabilities are not caused by the factors previously listed, they can *co-exist* with other disabling conditions (e.g. sensory deficits, language impairments, behavior problems, etc.).



Important: The medical and mental health communities use the terms "dyslexia" and "reading disorder" to narrowly define poor reading achievement, i.e., accurate decoding and fluent reading speed. A medical diagnosis of a disorder is not synonymous with disability as defined in the Reauthorized Federal IDEA 2004. Nor does a medical diagnosis alone assure eligibility for Special Education Services. School evaluation teams must adhere to IDEA, which helps educational professionals determine which individuals have a disability that significantly adversely impacts educational performance.

Various types of specific learning disabilities exist with no single defining characteristic; a specific learning disability may manifest itself by interfering with the acquisition, organization, storage, retrieval, manipulation, or expression of information. While research indicates most students (over 80 percent according to the National Association of School Psychologists 2007 SLD position statement) have a disability in the area of reading, a specific learning disability is not synonymous with "dyslexia" or reading disorder.

Researchers and advocates of specific learning disabilities may not always agree on a definition or a single defining characteristic of a specific learning disability. However, they do agree that specific learning disabilities are intrinsic to the individual and characterized by neurologically-based deficits in basic psychological processes. The deficits are specific in nature, impact particular cognitive processes that interfere with acquisition or production of learning and present with varying levels of impact. (For more information refer to the summary of *Specific Learning Disabilities: Finding Common Ground*, a report developed by the ten organizations participating in the Learning Disabilities Roundtable found in Appendix.)

Students with a specific learning disability exhibit varying levels of impact, but by definition will not learn at an adequate rate for the student's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment.

The specific learning disability may also affect other developmental, functional and life adjustment skill areas. These examples illustrate the impact a SLD may have on an individual's life. While early intervention may reduce the impact of many learning difficulties, significant learning disabilities will likely impact performance throughout one's life. Individuals successful in compensating for their SLD will have developed strong self-advocacy skills, accommodations for their learning difficulties and a resilient mindset.



Illustrative Example A: Specific Learning Disability with Mild Life-long Impact

A student experiences deficits in auditory processing which impacts her ability to acquire reading skills. Through early detection and intensive intervention she is able to learn and master phonemic awareness skills, which improve her ability to read. The student still requires written directions and has difficulty following oral multi-step instructions. She learns to accommodate her auditory weakness but requires accommodations throughout her school years. As she transitions into high school and post-secondary environments, this student may struggle to obtain information through a lecture format. She must learn to self-advocate and select instructional environments that present information visually or provide accommodations for her auditory processing weaknesses.



Illustrative Example B: Specific Learning Disability with Significant Lifelong Impact

A student experiences deficits in processing speed and working memory. Through early detection and intervention this student is provided intensive instruction in reading and math and develops basic competency in decoding and computation. As content demands increase and concepts become more abstract, the student has difficulty keeping up. The student has difficulty reading quickly enough to comprehend what was read. He falls behind in class reading assignments. Word problems in math become exceedingly challenging because the student must hold the math problem in mind while creating a mathematical sentence representing the problem to be solved.

In junior high school, reading and math assignments begin to take all evening to complete and continue to require substantial effort as he progresses through high school. The student has difficulty recalling and organizing ideas in writing and is not able to take notes while the teacher is talking. The development of an adequate reading vocabulary to manage content in class becomes difficult because the student has difficulty integrating old with new knowledge. When socializing with a group of friends the student has a difficult time keeping up with the conversation because it moves faster than he can think. He laughs when others laugh and prays that no one asks him what was funny.

In senior high school and postsecondary environments, the student experiences increasing difficulty following abstract multi-step directions and lecture style instructional formats. Algebra and geometry become progressively more difficult as mathematical procedures increase in complexity.

Summary of Significant Changes in SLD Regulations

The federal SLD regulations (34 CFR 300.308-300.311) released in 2006 changed in four significant ways:

- Acceptable process choices for determining SLD eligibility.
- Acceptable determination criteria.
- Required observation.
- Acceptable composition of determination team.

Students who qualify under a system of SRBI may present with different learning profiles than students who traditionally qualify under discrepancy criteria.

Change 1: Acceptable Process Choices for Determining SLD Eligibility



Three federal regulations exist for specific learning disabilities (SLD) criteria:

- 34 CFR § 300.309: A State must adopt criteria for determining whether a child has a specific learning disability as defined in 34 CFR 300.8(c)(10).
- 34 CFR § 300.307(a): A public agency must use the State criteria adopted pursuant to this section in determining whether a child has a specific learning disability.
- 34 CFR § 300.8(c)(10): A Specific Learning Disability defined.

Note: <u>View the complete SLD language in federal regulations</u>. Also note that terminology in IDEA and Minnesota are not always the same. What in Minnesota is referred to as Developmental Cognitive Disability (DCD) is in federal law termed Mental Retardation (MR).

Reauthorized Federal IDEA 2004 and the final regulations (2006) required changes in the State SLD criteria for determining whether a child has a specific learning disability. In addition, the criteria adopted by the State:

- Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.
- Must permit the use of a process based on the child's response to scientific research-based intervention (SRBI).



- May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability.
- A public agency must use the State criteria to determine whether a child has a specific learning disability.

Change 2: Acceptable Determination Criteria

The child's parents and a team of qualified professionals concludes that a child has a specific learning disability if:

- The child does not achieve adequately for the child's age, or to meet State-approved grade-level standards when provided with learning experiences and instruction appropriate for the child's age, or State-approved grade—level standards in one or more of 8 areas. The requirements are consistent with 34 CFR 300.309.
- The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas when using a process based on the child's response to scientific research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments. The requirements are consistent with 34 CFR 300.309(a)(1).
- The group determines that its findings are not primarily the result of 7 additional factors:
 - A visual, hearing, or motor disability;
 - Mental retardation;
 - o Emotional disturbance:
 - o Cultural factors;
 - Environmental or economic disadvantage;
 - Limited English proficiency.

The group must consider that the child was provided appropriate instruction in regular education settings delivered by qualified personnel to ensure that underachievement in a child suspected of having a specific learning disability is caused by such a disability. The suspected disability must not be due to a lack of appropriate instruction in reading or math prior to or as part of the referral process. Additionally, the child's parents must have been provided with data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. The requirements are consistent with 34 CFR 300.304 and 300.305.

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services and must adhere to the timeframes for evaluation. The requirements are consistent with 34 CFR 300.304.

Change 3: Required Observation

The public agency must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty. The child's parents and a team of qualified professionals must:

- Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation.
- Have at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent.
- In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.

The above requirements are consistent with 34 C.F.R. § 300.310.

Change 4: Acceptable Composition of Determination Team

The child's parents and a team of qualified professionals determine if a child suspected of having a specific learning disability qualifies, and must include:

- The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or for a child of less than school age, an individual qualified by the State educational agency (SEA) to teach a child of his or her age.
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

These requirements are consistent with C.F.R. § 300.308.

See your Special Education Director if you need clarification.

Minnesota Statutes and Rules Summary

This section discusses the State of Minnesota statute and a rule that impact SLD determination:

Minnesota Statutes section 125A.56 (2007), Alternate Instruction Required before Assessment Referral, states that before a pupil is referred for a special education evaluation, the district must conduct and document at least two instructional strategies, alternatives, or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil's needs, while the pupil is in the regular classroom. The pupil's teacher must document the results. A special education evaluation team may waive this requirement when it determines the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's right to a special education evaluation.

Note: View complete Minnesota Statute section 125A.56 on the state Website.

The rest of this chapter describes the criteria for a child who is suspected of having a specific learning disability and evaluation data that may be used to substantiate the criteria. These components and parameters are specified by Minnesota Rule 3525.134 and supported researched practices in evaluation of SLD.

Minnesota allows teams to use data from the discrepancy formula *or* from research-based interventions to show an inadequate rate of improvement. Items A and B are required, and a team must choose either criteria C or D. Thus, teams must have data generated from a system of SRBI that is technically valid and reliable for making an eligibility determination to receive special education services.

The diagram below illustrates the two evaluation criteria options as described in this chapter. Following the diagram are detailed explanations of the lettered criteria.

Important: Because school-wide supports must be fully in place for a system of scientific research based interventions to yield consistent and meaningful data useful for determining inadequate achievement, criteria ABD is not an option for parents if the infrastructure and fidelity of implementation is not established.

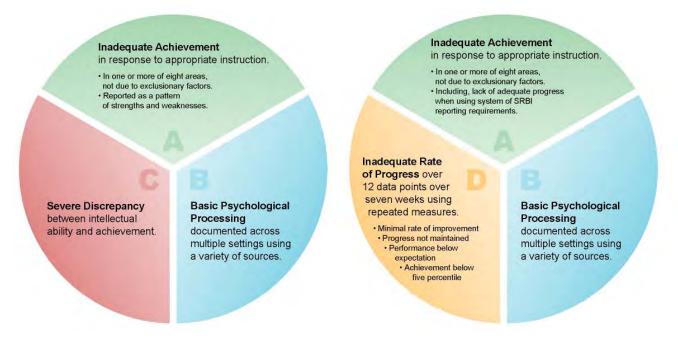


Figure 1-2. Evaluation Options.

Criteria:

- A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, and C, or in items A, B, and D. Information about each item must be sought from the parent and must be included as part of the evaluation data.
- The evaluation data must confirm that the effects of the child's disability occur in a variety of settings.

 The child must receive two interventions as defined in Minnesota Statute section 125A.56, prior to evaluation unless the parent requests an evaluation or the IEP team waives this requirement because it determines the child's need for an evaluation is urgent.

Reason for Dual Criteria

The Minnesota Rule provides two options for meeting eligibility. These options fulfill the requirements of 34 C.F.R. § 300.309(a) without mandating that districts adopt a system of SRBI.

This flexibility is important because:

- Most literature estimates 3-7 years to develop and implement a broad scale system of SRBI (NASDSE, 2006) that is required in order to support Subpart 2 D (the scientific, research-based procedures option).
- Local education agencies (LEAs) that implement such systems find limitations to the current models.
- When evaluating students for whom the resident LEA has responsibility, but does not control the general curriculum (for example, those in a non-public or home school setting), the LEA may not be able to implement the scientific, research-based intervention evaluation process outlined in Subpart 2, Item D.

Data collected from a system of SRBI provides just one part of a more comprehensive evaluation. The Minnesota Department of Education (MDE) does not anticipate an increase in the number of children appropriately identified under the proposed rule for SLD eligibility since neither of the two options alone is sufficient to accurately identify a student as having a SLD.

When a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation provides an appropriate means of identifying a suspected disability and designing more specialized instructional supports. MDE anticipates that use of a system of SRBI will lead to earlier identification than under the discrepancy model alone.

A. =nadequate Achievement (Required)

- Demonstration of inadequate achievement in one or more or of eight areas not primarily the result of:
 - Visual, hearing, or motor disability or impairment;
 - o cognitive impairment:
 - o emotional disorders;
 - o environmental, cultural, or economic influences;
 - o Limited English Proficiency; or
 - o lack of appropriate instruction in reading or math.

- Documentation of inadequate achievement in the area of referral will be dictated by which criteria are to be used. If the team will be using criteria ABC, documentation must be in the form of a pattern of strengths and weaknesses relevant to the identification of a specific learning disability. If the team will be using criteria ABD, documentation would be the results of a child's response to scientific research-based intervention.
- Measures used to verify inadequate achievement must be representative of the child's curriculum or useful for developing instructional goals and objectives.
- An observation of the child in the child's learning environment, including the regular classroom setting, which documents the child's academic performance and behavior in the areas of difficulty.
- Documentation that the child was provided, prior to or as part of the referral process, appropriate instruction in the regular education setting delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.

Note: The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb. 2A, Subp. 3A, C(2) and F.

B. Basic Psychological/Information Processing (Required)

- Presence of a disorder in basic psychological processes that includes an information processing condition that is manifested in a variety of settings.
- The information processing condition may be manifested by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing, speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.
- Documented by 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.

Note: The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb. 2B and Subp. 3C(1).

All areas of academic concern must be included in the evaluation.

Documentation of inadequate achievement may come from several

cumulative record reviews

sources including:

- class work samples
- anecdotal teacher records
- statewide and districtwide assessment
- formal, diagnostic, and informal tests
- curriculum-based evaluation results
- results from targeted support programs in general education

C. Severe Discrepancy (Either C or D required)

- Demonstration of a severe discrepancy between intellectual ability and achievement in one or more or of eight areas.
- The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider standardized test results as only one component of the eligibility criteria.
- The instruments used to assess the child's general intellectual ability and achievement
 must be individually administered and interpreted by an appropriately licensed person
 using standardized procedures.
- For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean distribution of difference scores for the general population of individuals at the child's chronological age level.

Note: The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb.2C. If C is chosen, interventions prior to referral for evaluation are still required. See Minn. Stat. 125.56A.

D. Inadequate Rate of Progress (Either C or D required)

- The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI, which may be used prior to a referral, or as part of an evaluation for special education.
- A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress.
- Rate of progress is inadequate when the child's:
 - Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards:
 - Progress will likely not be maintained when instructional supports are removed;
 - Level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
 - Level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data are used and differ from either state or national data, the group must provide a rationale to explain the difference.

Note: The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb.2D

Additional Evidence Required to Make an Eligibility Determination

All of the items in the bullet points below must be included and specify the evidence that must be considered in the eligibility determination; however, choices of timing or sources of evidence are allowed. Parents and a group of qualified professionals who conduct observations and other appropriate activities must be part of the decision-making process.

See your Special Education Director if you need clarification.

- An observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:
 - Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for a special education evaluation; or
 - Conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and
 - Document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning.
- A statement of whether the child has a specific learning disability;
- The group's basis for making the determination, including that:
 - The child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes described in Subpart 1 of the Minnesota Department of Education Rules documented by 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.
- The child's underachievement is not primarily the result of:
 - Visual, hearing, or motor disability or impairment;
 - o cognitive impairment;
 - o emotional disorders:
 - o environmental, cultural, or economic influences;
 - Limited English Proficiency; or
 - lack of appropriate instruction in reading or math, verified by:
 - Data that demonstrate that prior to or as part of the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and

- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.
- Educationally relevant medical findings, if any.
- Whether the child meets the criteria items A, B, and C or A, B, and D.
- If the child has participated in a process that assesses the child's response to *SRBI*, the instructional strategies used and the child-centered data collected, the documentation that the parents were notified about the state's policies regarding the amount and nature of child performance data that would be collected, strategies for increasing the child's rate of learning, and parent's right to request a special education evaluation.
- A statement of whether the child has a specific learning disability.
- The group's basis for making the determination.

Note: <u>View complete legal language for Minnesota Administrative Rule</u> section 3525.1341(2008), Specific Learning Disability (SLD) on the state Website.

Verification Requirement

Certification of the determination team's finding is required to make an eligibility decision final. Use the following language to guide your certification process. See your Special Education Director if you need clarification and for rules on acquiring appropriate signatures or authorization from team members.

- Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.
- The district's plans for identifying a child with a specific learning disability consistent with this part must be included with its total special education system (TSES) plan.
- The district must implement its interventions consistent with that plan.
- The plan should detail:
 - The specific SRBI approach, including timelines for progression through the model.
 - Any SRBI that is used by content area.
 - The parent notification and consent policies for participation in SRBI.
 - o Procedures for ensuring fidelity of implementation.
 - A district staff training plan.

References

Division of Research to Practice, Office of Special Education Programs, U.S. Department of Education. (25 July, 2002). Specific Learning Disabilities: *Finding Common Ground*. Washington, D.C.

Appendix

SLD Consensus Statement

Although the criteria for evaluating specific learning disability changed with the reauthorization of *IDEA* in 2004, the definition of a specific learning disability did not. In drafting the state criteria and guidance for being identified as having a specific learning disability, Minnesota followed the federal regulations and inserted the unchanged federal definition of SLD. Changes in IDEA were focused on how the federal definition becomes operationalized to more accurately identify children with SLD. For an understanding of why the definition of a learning disability has not changed while the criteria for being eligible has changed, the SLD consensus process and statement have been provided.



Prior to the reauthorization of IDEA in 2004, the Office of Special Education Policy (OSEP) convened researchers and policy organizations concerned about individuals with SLD. They were led in a series of events designed to review the major issues in the field and develop statements of consensus on what is valued and should be promoted to improve programs for students identified as SLD.

The nature of SLD as determined by a consensus among the IDEA, Office of Special Education Policy (OSEP) and research and policy organizations is as follows:

- "The concept of SLD is valid, supported by strong converging evidence;
- SLDs are neurologically based and intrinsic to the individual. Because the disorder is intrinsic to the individual and has a neurological basis, it does not disappear over time;
- Individuals with SLDs show intra-individual differences in skills and abilities;
- SLDs persist across an individual's lifespan, though manifestations and intensity may vary as a function of developmental state and environmental demands;
- SLDs may occur in combination with other disabling conditions, but they are not at varying levels of intensity and are not due primarily to other disabling conditions, such as mental retardation, behavioral disturbance, lack of opportunities to learn, primary sensory deficits, or multilingualism;
- Specific learning disabilities are evident across ethnic, cultural, language and economic groups."

The "identification of a core cognitive deficit, or a disorder in one or more of the basic psychological processes, that is predictive of an imperfect ability to learn is a marker for specific learning disability." Factors that influence the degree of impact on learning include:

- Severity of information processing weakness.
- Number of information processes impacted.
- Type of instruction, supports, and accommodations provided.

Demands in the learning situation.

The researchers and policy organizations concerned about individuals with SLD also explained why use of the IQ achievement discrepancy as a means of identifying students was inadequate. The following statements articulate the positions as well as why the regulations put forward in the reauthorization of IDEA include alternative means of identifying students with SLD.

The majority opinion: IQ achievement discrepancy is neither necessary nor sufficient for identifying individuals with SLD. IQ tests are not necessary in most evaluations of children with SLD. Some evidence is needed to show that an individual with SLD is performing outside the ranges associated with mental retardation, either by performance on achievement tests or performance on a screening measure of intellectual aptitude or adaptive behavior.

The minority opinion: Aptitude/achievement discrepancy is an appropriate marker of SLD but is not sufficient to document the presence or absence of underachievement, which is a critical aspect of the concept of specific learning disabilities. Alternatives should be performed in addition to achievement testing, history, and observations of the child, such as response to quality intervention. This method can promote effective practices in schools and help to close the gap between identification and treatment.

Efforts to scale up response to intervention should be based on problem-solving models that use progress monitoring to gauge the student's response to the intensity of intervention in relation to his response to intervention. Problem-solving models have shown to be effective in public school settings and in research. Strong evidence shows that effective interventions work for many students when implemented with consistency, appropriate intensity, and fidelity. Despite this knowledge, ineffective interventions are still implemented.

Determining the Eligibility of Students with Specific Learning Disabilities

2. Overview of Scientific Research-Based Interventions

Contents of Chapter 2

- Chapter Overview
- Regulations and Rules on Informing and Involving Parents in Intervention Planning
- System of Scientific Research-Based Interventions (SRBI)
- Intervention within a Pre-Referral or System of SRBI
- References

Chapter Overview

This chapter covers the framework for conducting a system of Scientific Research-based Interventions. It includes a comparison of steps in a system of SRBI with those of a pre-referral process. The comparison of steps should help clarify how the processes will work. The chapter also addresses the services provided to students once eligibility is established, and the types of services and interventions available to educators (U.S. Department of Education, 2002).

Note: The pre-referral process has included individual research-based interventions for many years; however, systems of SRBI are much more thorough.

Data collected from a system of SRBI provides just one part of a more comprehensive evaluation. If a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation becomes appropriate. MDE anticipates that a system of SRBI will lead to identification earlier than under the discrepancy model.

Regulation and Rule on Informing and Involving Parents in Intervention Planning

Schools using a system of SRBI must use documented procedures for informing and including parents. The federal regulations and state rules that govern the nature of data provided to parents are provided in this section. Quality practices discussed in this section suggest involving parents as early as possible to establish a collaborative relationship.

It is good practice to inform and involve parents in planning interventions even when systems of SRBI are not being implemented.

Federal Regulation

Federal Regulation CFR 300.311 Subpart (7)(ii) indicates that the documentation that the child's parents were notified about includes:

- State policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided,
- o Strategies for increasing the child's rate of learning, and
- o The parents' right to request an evaluation.

Federal Regulation CFR 300.309 Subpart (3)(b) data that demonstrate that prior to or as part of the referral process,

- The child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the parents.

Federal Regulation CFR 300.309 Subpart (c) The public Agency must promptly request parental consent to evaluate the child to determine consent to evaluate the child if the child needs special education and related services, and must adhere to the timeframes in CFR 300.301 and 300.303, unless extended by mutual agreement of the child's parents and group of qualified professionals as described in CFR 300.306 (a) [1].

Minnesota Rule

Minnesota Rule 3525.1341 subpart 3 and 4 requires documentation of the following information when using either an SRBI process or pre-referral interventions for eligibility decisions:

- Instructional strategies used and student-centered data collected.
- Notations that parents were notified about:

- o Policies on the amount and nature of performance data and the general education services.
- o Parent's right to request a special education evaluation.
- Strategies for increasing the student's rate of learning.
- Data collected from repeated measures gathered during instruction.
- Consent to extend the length of intervention.

Note: The provision to allow teams to extend interventions must occur with parent consent. This presumes that there will be some instances where the typical length of intervention stated in the TSES is not appropriate. Two possible examples include: a) frequent absences during the intervention cycle or b) judgment of the data indicating that an extension of the intervention is justified. It is considered good practice to document the reason for extension in addition to the necessary parent signature.



Quality Practices: Parental Involvement

- Communicate the reason for screening from the start of the school year as well as the results of screening.
- Involve parents in the decision to provide additional instruction or intervention.
- Gather health, medical, social, and emotional information from parents as well as other relevant information prior to selection of an intervention. <u>See the Developmental History</u> <u>Questionnaire</u>.
- Accompany the process of gathering information from parents with face-to-face or phone interviews. Mailing interview questions to parents without in-person interaction is strongly discouraged since parents may not understand questions or know what information is relevant to the professional.
- Gather a brief educational and developmental history so that relevant information is available for selecting interventions. Document findings for future reference.
- Collaborate on the selection of the intervention to be implemented.

Parents and instructional staff should collaboratively write the intervention plan. Schools using a system of SRBI are not required to gain consent for initial intervention and/or observation as long as both procedures are part of the system of classroom instruction and monitoring of student performance. Districts are encouraged to educate parents about the procedures prior to screening, so they and students understand the purpose of screening and how the results are used to improve student achievement. Districts may use *passive consent* to allow students to participate in intervention.



Although interventions are meant to accelerate performance and achievement for students reaching grade or age level expectations, at some point, likely during tertiary intervention, data may indicate that a student is not making progress. The team may determine that despite high quality instruction progress was not made and further evaluation is warranted (suspicion of a disability).

Child Find and Due Process procedures apply as soon as any involved party suspects a disability. Special education timelines apply when the schools receive a request or written consent for evaluation. In the event that parents and staff decide the intervention may work but requires more time, the intervention may continue. As previously described, Minnesota Rule indicates that parents must provide written consent in order to extend an intervention.

System of Scientific Research-Based Interventions (SRBI)

Note: This section relates to interventions required by Minnesota Rule 3525.1341 and contained in subpart D. See Chapter 1 for more information.

Schools implementing a system of *scientific research-based interventions (SRBI)* likely use a framework called *Response to Intervention*. The framework includes a multi-tiered system of screening, evidence-based interventions and ongoing assessment of the effectiveness of interventions. Multiple sources of information are used to select and provide responsive instruction for students and/or groups of students who are at-risk of not making adequate progress in developing academic, social/emotional or behavioral skills.



Once selected, students in each tier receive targeted interventions only as long as necessary to remedy skills or behaviors that are below age or grade level expectations. All interventions must be scientifically research-based interventions. In the event that scientific research-based interventions are not available, evidence-based interventions should be used. Evidence-based instruction commonly refers to programs and techniques that have shown a record of success. For more information on evidence-based instruction, visit the What Works Clearinghouse (http://ies.ed.gov/ncee/wwc/references/iDocViewer/Doc.aspx?docId=14&tocId=1). Commonly there are three tiers of intervention, shown in the table on the following page, but a school may use more or fewer levels of supports depending on their needs and resources.

Table 2-1

System of SRBI Tiers of Intervention

Tiers of Intervention

Primary Prevention: Commonly referred to as core instruction or as Tier 1. Primary prevention is characterized by rigorous, evidence-based instruction aligned with state standards. In primary prevention the activities include screening to target instruction, differentiating evidence-based instruction to meet group needs, and in some cases implementing a class-wide research-based intervention. In primary prevention, the teacher clearly explains to the parent the age and grade-appropriate expectations and the student's performance. Two or more times per year students are screened or tested and performance is compared with age- or grade-level goals and expectations. If a student's performance is meeting expectations, high-quality instruction continues.

If a student's performance falls below age- or grade-appropriate expectations, the teacher contacts the parent and discusses the need for supplemental instruction. This step will typically occur after screening, but may occur earlier.

Parents review with the teacher or a team of professionals what is known about the student's performance, and verify the need for additional or intensive intervention. In some instances this process is termed problem solving. Participants in the conference review the relevant data (academic, behavioral and/or social-emotional, etc.) to determine the appropriate supplemental intervention needed. Examples of interventions include decoding skills, vocabulary and comprehensiond development, and mathematical number sense.

When agreement is reached on the type of intervention, goals and means of measuring progress and timelines for reviewing data area established. In the event that a student experiences significant or urgent need for academic or other supports, the team may waive the requirements for intervention and begin a referral for a comprehensive evaluation.

All levels of intervention are delivered in addition to primary prevention that the student receives in the regular classroom setting.

Tiers of Intervention

Secondary Intervention: Commonly referred to as Tier 2 or secondary intervention supports. Interventions are matched to students with similar needs. Instruction is typically delivered with more specificity, intensity, and in smaller groups. Group size may range from three to five students. Instruction is provided by the classroom teacher or a trained individual in addition to core instruction. The classroom teacher monitors the student's progress to determine if the selected intervention(s) are working. For many students secondary intervention supports will be enough to bring the student's performance up to age and grade level expectations.

Secondary intervention supports require an immediate determination of the student's current level of performance on a specific skill(s), goals and expected rates of growth. Progress toward meeting the student's goals is measured regularly by comparing expected and actual rates of learning. When achievement falls below what is expected, instructional techniques are adjusted.

Services are typically continued as long as the student needs additional assistance to reach grade level expectations. Parents and relevant instructional staff receive regular progress reports, typically progress monitoring graphs. The graphs assist parents and teachers in determining if the student is benefiting from the secondary interventions.

If secondary intervention supports are not successful, the relevant instructional staff and parent(s) meet to review the relevant data collected data and problem-solve a more tailored and intensive intervention. When the focus of the concern is behavioral, (for example excessive office referrals, inattention, etc.) an evaluation called *Functional Behavior Assessment (FBA)* may be conducted. It should be noted that whenever an individualized assessment is administered, parent permission is required.

Tertiary Intervention: Commonly referred to as Tier 3 or tertiary intervention supports. Tertiary intervention supports are designed for students who needs were not met by secondary interventions or who are in need of more intensive instructional supports than provided during primary prevention and secondary intervention supports.

A tertiary intervention is typically designed to be more focused in delivery of content, meet more frequently, meet for longer periods, or consist of a smaller group of students (ranging from 1-3 students). Tertiary intervention continues to be delivered over and above core instruction in the area of concern. A qualified specialist, trained staff person, guidance counselor, or a special education teacher, usually delivers the intervention or service.

If the data collected from regular progress monitoring checks indicate that the student is progressing toward or is at or above expectations, then the intervention is working. When students are successful within interventions, the focus of progress review meetings is to ensure continued progress and define when sufficient progress has been made. When the student is making sufficient progress to perform in secondary interventions or core instruction, tertiary interventions are reduced or removed.



Tiers of Intervention

In some cases a student will not demonstrate progress that would be expected; or will continue to need tertiary interventions that are not sustainable without special education supports. If the data collected from multiple interventions indicate that specially designed instruction is needed, the parent and school staff may decide to proceed with a full evaluation for special education services.

Important: Districts are responsible for articulating the levels of intervention supports provided prior to special education. Tertiary interventions should not imply that the student is suspected of having a disability or eligible for special education services. This will depend on the district's intervention model.

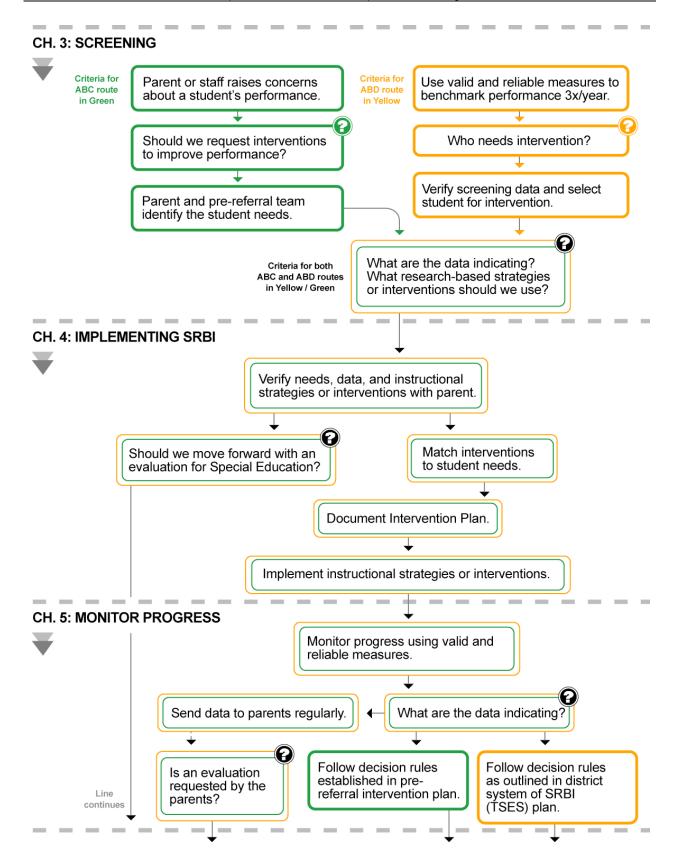
This comprehensive evaluation may include gathering information about:

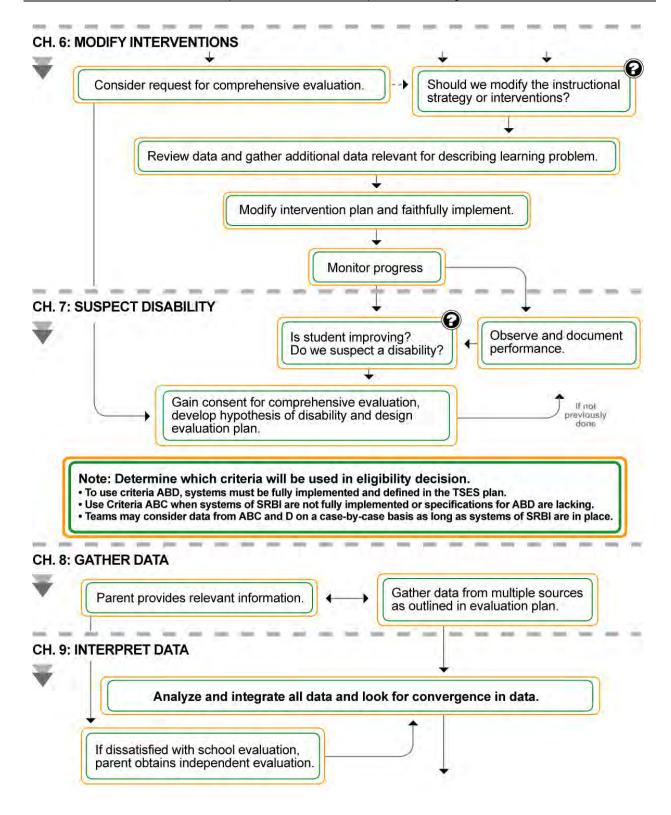
- Student achievement and behavior in the learning environment
- Student performance in the classroom setting noting relevant behavior
- Statement of whether the student has a specific learning disability
- The group's basis for making the determination
 - o Aptitude and achievement tests
 - o Parent input
 - o Teacher recommendations
 - Information about student's physical condition, social or cultural background, and adaptive behavior
 - Achievement data indicating lack of achievement is not due to exclusionary factors (includes intervention and repeated assessments)
 - Relevant medical findings
- Additional documentation if student participated in system of SRBI
- Sensory abilities
- Social and emotional needs
- Medical history or diagnoses

Intervention within a Pre-Referral or System of SRBI

Figure 2-1 on the following three pages illustrates the entire intervention and system of SRBI process. Each phase corresponds to the criteria that may be used in an eligibility determination as well as a chapter in the SLD Manual.

Use the figure as an outline, which shows the major tasks in each phase and sequential steps in the intervention and evaluation process.





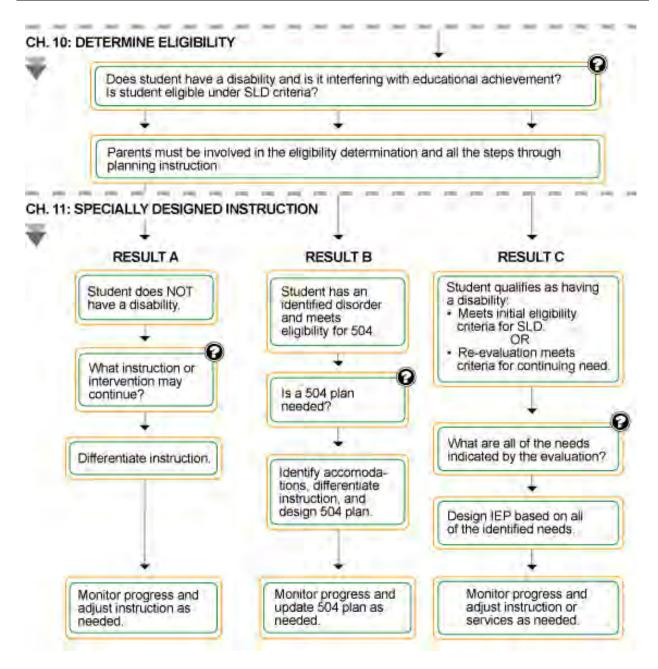


Figure 2-1. The Entire SRBI Process

Below is a brief description of each of the major phases and steps in the intervention and evaluation process.

Chapter 3: Screen and Identify Students

- For schools with systems of SRBI, screening is the primary way to identify students who need additional instructional supports. Parents or staff member refer students between scheduled screenings. In schools without systems of SRBI, teacher or parents are the primary identifiers of students not making adequate progress.
- 2. Verify screening data to determine if a student is in need of additional supports. After referral, the student study team's best practice is to verify the concern and identify the specific student needs.

Chapter 4: Implement Alternate Instruction and Interventions (Supplemental to Primary Prevention)

- 3. The school and parent collaborate on verifying the student needs and instructional interventions. A specific statement of the academic/behavioral needs and appropriate research-based intervention(s) are documented in an intervention plan. The student is consistently provided the appropriate intervention by a trained individual. The interventions are supplemental instruction and should never occur during or as a replacement to core instruction in the area of concern.
- 4. Parents or staff have the option of requesting a comprehensive evaluation when the need is identified as urgent or if a written request for evaluation is made. If staff and parent agree to simultaneously move forward with an evaluation and intervention, consent for an evaluation is documented and formal timelines for evaluation begin. Repeated measures of performance during intervention may become part of the data gathered for comprehensive evaluation.

Chapter 5 and 6: Monitor Progress and Modify Instruction

- 5. Regularly monitor student performance during the intervention to determine the effectiveness and opportunities to accelerate skill acquisition. Gather repeated measures of student progress (progress monitoring data) at regular intervals to assist in evaluating the effectiveness of the intervention.
- 6. Send parent regularly reports of student progress.
- 7. School staff and parents review the intervention data according to pre-determined schedule and decision rules. If progress is not made, a process of problem-solving begins. Problem-solving includes: verification that intervention was delivered as intended, verification that the student received the appropriate amount, frequency, intensity, duration of intervention, revaluation of identified skills and possible inhibitors to learning, a revised hypothesis the learning problem, and modification or change of the intervention.
- 8. Provide the student with the modified intervention. The delivery and monitoring steps of the intervention repeat. Continue intensive intervention in addition to core instruction.

Chapter 7: Suspect a Disability

- Perform an observation of the student performing during instruction in the area of concern when the parent and/or staff determine that the student is not learning at a rate that is expected (as indicated in the intervention plan).
- 10. Parents and school staff review the progress monitoring data and prior intervention plan. Develop a hypothesis about a suspected disability. A disability may be suspected when high-quality research-based interventions and core instruction do not seem to be working. When data indicates that the learning problem requires more instructional, curriculum, or environmental supports than can be reasonably provided or sustained in the regular classroom environment.
- 11. Obtain consent for a comprehensive evaluation and implement due process procedures

Chapter 8: Gather Data for Comprehensive Evaluation

- 12. Convene a cross-disciplinary team to determine the evaluation procedures that will be used to identify the specific needs. Review screening data, intervention data, intervention outcomes, and developmental and educational history. Develop an integrated hypothesis of the suspected area of disability.
- 13. Develop an individualized comprehensive assessment plan using the data gathered from interventions and evaluation of the instruction, curriculum, and environment and hypothesis of the learning difficulty. Tailor the evaluation plan to the individual and to the remaining data to be gathered. Includes data that identifies if a disability exists and the ongoing instructional needs of the student. The team determines which SLD criteria to use in the eligibility decision criteria ABC or ABD. Note: Criteria ABD can only be used when systems of scientific research-based interventions are in place. In some instances the team may design the evaluation plan to gather data relevant to differentiate between competing hypotheses or suspected disabilities.
- 14. If not already completed as part of intervention process, perform initial observation(s) documenting performance in relevant areas of academic and behavioral difficulty.
- 15. Administer appropriate assessment measures to gather data that proves or disproves hypothesis.

Chapter 9: Interpret Evaluation Data

- 16. Analyze all relevant sources of data. Develop an integrated picture of student achievement and performance. Identify factors that facilitate and impede learning. Include findings from independent evaluations.
- 17. Evaluate the contribution of exclusionary factors and information processing abilities.
- 18. Look for convergence in data (must be consistent across a variety of sources and settings). Determine if further assessment data is needed to make eligibility determination or design appropriate instruction.
- 19. Write Evaluation Report (ER) and include evidence of the three chosen SLD eligibility components (ABC or ABD).
 - a. Does individual have a specific learning disability?
 - b. Does the disability affect the student's progress in the general curriculum? What improves/impairs performance?

c. What are the educational needs that arise from the disability? Statements address all needs, skills and/or behaviors that must improve in order to participate and progress in the general education curriculum.

Chapter 10: Make and Communicate the Eligibility Determination

20. Communicate evaluation findings. Team makes eligibility determination.

Result A: Student does not meet criteria for a disability according to federal law.

Result B: Team has a student with an identified disorder or medical diagnosis but does not meet criteria for special education eligibility. Student meets eligibility for 504.

Result C: Students meets eligibility for a specific learning disability or other categorical disability.

Chapter 11: Design Instruction

21. Design continuing instructional plan.

Result A: Use findings from evaluation report to differentiate instruction within core instruction or continue additional supports. Monitor student progress and modify instruction as needed.

Result B: Develop a 504 plan. Differentiate instruction and provide appropriate accommodations. Consider continuing additional instructional supports. Monitor student progress and modify instruction as needed.

Result C: Data from evaluation report indicating current levels of performance in all areas of identified need is incorporated into present levels of performance statement on Individual Education Plan (IEP). Development of services follows from discussion of present levels of performance that must improve in order to participate and progress in the general education curriculum.

References:

- Batsche, G., Elliott, J., Graden, J.L., Grimes, J., Kovaleski, J.F., Prasse, D., Reschly, D.J., Schrag, J., & Tilly III, W.D. (2005). *Response to intervention: Policy considerations and implementation.* Alexandria, VA: National Association of State Directors of Special Education.
- Beghetto, R. (April, 2003). Scientifically Based Research, *ERIC Digest*, 167. Eugene, OR: ERIC Clearinghouse on Educational Policy and Management. Retrieved April 3, 2007, from http://eric.uoregon.edu/publications/digests/digest167.html

Quoted within Ron Beghetto article:

- Erickson, F. & Gutierre, K. (2002). Culture, Rigor, and Science in Educational Research. *Educational Researcher*, 31, 8: 21-24.
- Raudenbush, S. (2002) *Scientifically-Based Research*. U.S. Department of Education Seminar on Scientifically-Based Research. Washington, D.C.: U.S. Department of Education. Retrieved from: www.ed.gov/offices/OESE/esea/research
- Smith, L.D., Best, L.A. Stubbs, A., Archibald, A.B., & Roberson-Nay, R. (2002) Constructing Knowledge. *American Psychologist* 57, 10: 749-61.
- Beldin, S. (November, 2005). Response to Intervention: Consideration for implementation. Missouri Center for Innovations in Education. Retrieved May 17, 2007, from www.cise.missouri.edu/publications/innovations/november-2005/beldin.html
- Burdette, P., (2007 April). Response to Intervention as it relates to early intervening services.

 Prepared for Project Forum at National Association of State Directors of Special Education. Alexandria, VA: National Association of State Directors of Special Education.
- Core Concepts of RTI. (No date). Model Site Research project. Lawrence, KS: National Research Center on Learning Disabilities. Retrieved on April 3, 2007, from http://www.nrcld.org/research/rti/concepts.shtml
- McCook, J. E. (2006). *The RTI Guide: Developing and implement a model in your schools.* Horsham, PA: LRP Publications.

3. Screening and Identifying Students for Intervention

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Chapter Overview

In this chapter, purposes and uses of screening as well as quality practices for implementing a school-wide screening process are discussed. Teams will find explanations for appropriate screening measures and guidance on how to choose them. A resource list with examples of screening measures for grades K-8 is provided to help teams make an informed choice. Please note that our list provides examples, but is not an endorsement of these options. Various screening considerations and a rationale for screening for language difficulties at certain grade levels are also provided.

A section on interpreting screening results follows, with discussions on verifying the

data, particularly what teams may include in procedures. This section offers three illustrative examples. The next section discusses reasons that may lead a staff, parent, or others to agree to an intervention without prior screening data as well as important considerations for screening regarding homework.

Finally, this is the first chapter to offer next steps with guiding questions that may help teams document each

Although students already receiving specially designed instruction, students on IEPs can reasonably participate in screening to track their growth towards grade level standards. Districts should design guidelines for within and out of level screening for this purpose.

step in the assessment process. This chapter also contains information for culturally and linguistically diverse students.



Regulations and Rules

Note: Regulations, statues and rules form the basis for legal compliance and are provided below to help readers understand the requirements of law.

Federal guidance from Office of Special Education Programs dated January 1, 2007 states the following:

Students receiving special education or related services under *Reauthorized Federal IDEA 2004* may participate in screening and *Response to Intervention (RTI)* instructional activities, unless the use of activities is inconsistent with the *Individual Education Program (IEP)*. Early Intervening Service funds may not be used to screen or provide RTI interventions to students on IEPs.



Intervention Requirements

This section refers to Minnesota Statute section 125A.56, which requires that districts provide two interventions prior to referral for a special education evaluation. If districts are using Early Intervening Service funds, a performance-based decision is required.

Note: View complete legal language on the Minnesota state Website.

Subd. 2. Early intervening services program. (a) A district may meet the requirement under subdivision 1 by establishing an early intervening services program that includes:

- A system of valid and reliable general outcome measures aligned to state academic standards.
- Administered at least three times per year to pupils grades kindergarten through eighth grade who need additional academic or behavioral support to succeed in the general education environment,
- A system of scientific, research-based instruction and intervention; and
- An organizational plan that allows teachers, paraprofessionals, and volunteers funded through various sources to work as a grade-level team or use another configuration across grades and settings to deliver instruction.

Identification

This section refers to Minnesota Statute section 120B.12 Subd. 2. **Note:** <u>View complete</u> statutory language on the Minnesota state Website.

For the 2002-2003 school year and later, each school district shall identify before the end of first grade students who are at risk of not learning to read before the end of second grade. The district must use a locally adopted assessment method. The district must report annually the results of the assessment to the commissioner by June 1.

Important: Prior to a referral, two interventions need to be implemented and the results documented. This statute may not be used to deny a pupil's right to a special education evaluation. The procedures for identifying and implementing interventions may consist of the ongoing use of building intervention teams and pre-referral procedures, or the use of systems of scientific research-based interventions (SRBI). The procedures to identify and implement interventions may consist of either:

The ongoing use of local intervention teams and pre-referral intervention procedures

OR

The use of systems of SRBI

Quality Practices in Screening



Purpose of Screening

The purpose of screening is to identify students at the earliest signs of difficulty in order to provide supplemental interventions that accelerate the development of grade appropriate academic, social-emotional, or behavioral skills (Mellard, 08).

Districts using a system of *SRBI* should outline the steps and timelines for progressing through the system in their Total Special Education System (TSES) plans. Screening, often the first step, is the process of assessing students to identify them as low risk, moderate risk, or high risk when having trouble in academics, behavior, or social-emotional development.



Benchmarking and Screening

In many schools, the term benchmarking, "the process of collecting data on all students several times a year to evaluate performance against predetermined benchmarks" is synonymous with screening. Benchmarks are established as indicators of student progress toward meeting grade level standards. Depending on the resources available schools may set a cut-off score at the place where they can be assured the maximum number of students will demonstrate proficiency on the Minnesota Comprehensive Assessment (MCA II).

Currently, pilot sites across Minnesota have cut-off scores that range between the 30th and the 20th percentile. One method districts have used to establish cut-scores is through a logistic regression analyses comparing performance on general outcome measures with predicted proficiency on MCA's. Students with scores at or below the cut-off are determined to be at significant risk and targeted supplemental instruction. Other methods have included using the Minnesota NWEA/MCA-II linking study. View the study on the TIES website.

In the past, a teacher or parent identified a student for additional services *after* the student showed lack of success for a prolonged period (typically one year). Justification for additional instruction or interventions required a history of difficulty and more often than

not decisions were made on a case-by-case basis. As a result, some students were identified for additional services later than others.

A system of screening provides both a timely and equivalent means of identifying students in need of additional instruction. The screening results inform discussions about a student's risk for experiencing an inadequate learning rate in comparison to the relevant peer group.

Screening is used to:

- Collect information on all students in a grade, school, or district to track growth, and review overall trends and effectiveness of core curriculum and instruction over time (Mellard & Johnson, 2008).
- Help determine which students benefit from additional instruction or intervention beyond the regular classroom.
- Increase the effectiveness of early intervention and prevention of academic difficulties.

Screening Procedures for Culturally and Linguistically Diverse Students

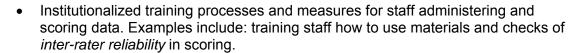
Schools should include non-discriminatory practices and procedures for identifying culturally and linguistically diverse students in need of an intervention or alternate instructional strategies. This includes the practice of disaggregating data to identify how well core instruction is meeting the needs of culturally and linguistically diverse populations. Improved instruction may reduce the number of culturally and linguistically diverse students who need additional interventions—a first step in implementing non-discriminatory identification practices. Additional promising practices include:

- Selection of screening tools normed on students similar to those served in the school (including norms for culturally and linguistically diverse learners).
- Collection of five weeks of progress monitoring measures in addition to the screening process to improve selection accuracy specifically for kindergarteners and ELL students identified as at-risk. (Mellard & Johnson, 2008; Gottardo, Collins, Baciu, Gebotys, 2008).
- Examination of additional relevant data used to determine if students have difficulty, significantly perform at a lower level academically, or behaviorally despite access to quality instruction (see research by Klingner, J., Hoover, J. & Baca, L. 2008; Rinaldi, C. and Samson, J, 2008). Relevant data may include:
 - Evidence that instructional methods are appropriate for culturally diverse students and that addresses their learning needs.
 - Evidence that teachers are trained and effectively assessing and intervening with culturally and linguistically diverse students.
 - Evidence that students are actively engaged in and receiving core instruction.

Implementing a School-wide Screening Process

There are quality practices in implementing a school-wide screening process. These should be included in the Total Special Education System (TSES) plan. The most important aspects of a system of screening includes:

- Documented descriptions of the screening measures, cut-off points, and guidelines for interpreting and using screening data.
- Documented rationale for the cut points and decision rules, e.g., normative or specific criteria referenced. Options include:
 - Use of the 20th percentile with state or national norms. This rationale is recommended in the literature because it reduces the likelihood of significant variability in screening criteria between districts.
 - Locally established norms and cut-offs correlated to proficiency on state level tests. Districts may use this method if there is concern that state or national norms do not adequately predict performance or assist in precisely identifying students in need of additional supports. If districts use this route they should be prepared to explain the validity and reliability of local cut-offs as compared with state or national data.





- Articulated process of screening at least 90 percent of the students at designated times of years. Reasons for using alternative methods for individuals not included in the standard screening process, but useful for obtaining information about progress towards grade-level content standards that have individual curricular relevance and allow gains to be measured and evaluated, should be explicitly stated, reasonable and appropriate.
- Established practices and procedures used to check implementation, reliability of the screening process and use of screening data.
- Fixed schedule for obtaining screening data.
- Established practice of using screening data to identify adequacy of core instruction in meeting the needs of 80 percent of all learners.

Important: Screening results DO NOT identify which students have a specific learning disability although they do identify students who: 1) are not making adequate progress toward reaching grade-level standards and 2) students who may need additional instruction to achieve grade level expectations.

Screening should take place multiple times per year using grade level criterion-referenced benchmarks. Reviewing data in winter and spring provides an opportunity to identify students ready to exit or require supplemental intervention during the school year to reach end-of-year benchmarks. The efficacy of cut points in predicting proficiency should be reviewed frequently and adjusted as necessary.

Districts should also establish procedures for identifying students whose classroom performance appears to be below grade level, for whatever reason, were not included fall, winter, and spring screenings.

Appropriate Screening Measures

Screening procedures should be reliable, valid, simple, quick, inexpensive, easily understood, developmentally appropriate and predictive of specified outcomes (e.g. reading, math computation, writing fluency, behavior and social-emotional fluency).

Considerations in selecting appropriate screening measures include:

- Screening measures are indicators of students at risk for academic, behavioral, or social emotional difficulty, and are not markers of mastery or designed as diagnostic tools for instructional planning.
- Results are consistent over time (correlations of at least .70 to .80). Measures must demonstrate that they are strong indicators of later performance (*predictive accuracy*) for the targeted area, student population and grade screened.



- Sensitivity performance indicators are used to establish the threshold by which students who are at-risk (in need of intervention) are correctly targeted for intervention. (See Sensitivity and Specificity Chart below.)
- Specificity performance indicators are used to establish the threshold for which students who are not at-risk are correctly excluded from intervention. The performance indicator should be established at the highest level to ensure valuable resources are not inappropriately applied. (See Sensitivity and Specificity Chart below.)
- A combination of multiple sources of screening data to increase the predictive accuracy of measures is recommended.

Sensitivity and Specificity Chart

The four quadrants below are based on the convergence between a desired level of proficiency on the MCAs, or other specified outcome and the established cut-off score from a screening measure. The scores of those students who are at-risk and require additional supports will fall within the target, that is, students with scores in this range need additional supports. Students whose scores fall in the proficient range but below the screening cut-off would be falsely targeted and not need additional supports. Students whose scores fell below the proficient range and above the screening cut-off would require additional supports, but not be identified.

The goal is to design a system of screening that efficiently and accurately indicates students that need additional instructional supports.

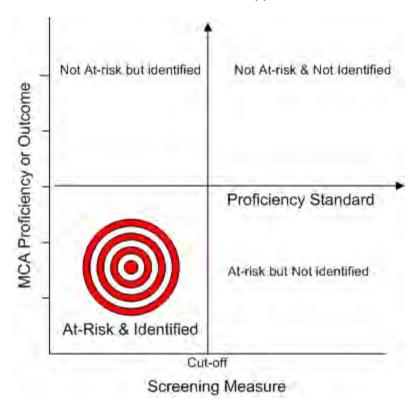


Figure 3-1. Sensitivity and Specificity of MCA Outcomes.

Selecting Appropriate Screening Measures

When selecting appropriate screening measures, ensure the screening tool is sensitive and specific in identifying students. The National Center on Response to Intervention has provided a list of peer reviewed procedures that are useful for screening and progress monitoring.

When selecting screening measures, districts should investigate the scientific research documentation that is independent of the information provided in the test manual, and

A system of screening may include brief screening tests, structured interviews, or rubrics with standardized prompts and scoring procedures. The most efficient measures are Curriculum Based Measures (CBM). General Outcome Measures (GOM) are typically in the same format as CBM's although they are not tied to a specific curriculum.

supports a correlation between the desired achievement and risk status. Refer to the National Center on Response to Intervention or the Burros Mental Measurements Yearbook to review measurement tools by impartial agencies. Districts may find that it is preferable to use a measure that is technically adequate for both screening and progress monitoring.

The following are *not* appropriate for use in screening for learning disabilities in reading unless districts develop protocols for administration and scoring as well as determine their technical adequacy:

- Informal Reading Inventories.
- Running Records.
- Developmental Reading Assessments.
- Diagnostic Reading Observations.
- Un-standardized Curriculum Based Measures (CBM).

This is not to suggest that the measures indicated above do not have a place within the intervention process. Instructional staff may find them invaluable for targeting the specific skills that require additional instructional support.

Note: *MCA IIs* (*Minnesota Comprehensive Assessment*) are criterion referenced tests which indicate proficiency or relative to grade-level content state standards) and are *insufficient* to be used as a screening tool because they are given annually and are not sensitive and specific for identifying level of risk.

The following tables show examples of screening measures for each skill area.





Table 3-1

Example Screening Measures by Basic Skills Area (Achievement and Behavior) for Grades K-8

Area	Resources	
Early Literacy		
This is not an exhaustive list. Not all tools are appropriate for all grade levels or populations. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.		
СВМ	AIMSweb - <u>www.aimsweb.com</u>	
Lotter Namina	DIBELS - <u>www.dibels.uoregon.edu</u>	
Letter Naming Fluency	WirelessGeneration MClass - <u>www.wirelessgeneration.com</u>	
-	Vital Indicators of Progress - <u>www.voyagerlearning.com</u>	
Letter Sound	AIMSweb - <u>www.aimsweb.com</u>	
Fluency	DIBELS - <u>www.dibels.uoregon.edu</u>	
	WirelessGeneration MClass - <u>www.wirelessgeneration.com</u>	
	Vital Indicators of Progress - <u>www.voyagerlearning.com</u>	
Phoneme	AIMSweb - <u>www.aimsweb.com</u>	
Segmentation Fluency	• DIBELS - <u>www.dibels.uoregon.edu</u>	
	WirelessGeneration MClass - <u>www.wirelessgeneration.com</u>	
	Vital Indicators of Progress - <u>www.voyagerlearning.com</u>	
Nonsense Word	AIMSweb - <u>www.aimsweb.com</u>	
- Fluorian	• DIBELS - <u>www.dibels.uoregon.edu</u>	
Fluency	WirelessGeneration MClass - <u>www.wirelessgeneration.com</u>	
	Vital Indicators of Progress - <u>www.voyagerlearning.com</u>	
TPRI	Texas Primary Reading Inventory - <u>www.tpri.org</u>	
STAR- Early Literacy	Renaissance Learning - <u>www.renlearning.com</u>	
Rhyming	Individual Growth and Development Indicators www.ggg.umn.edu	
Alliteration	Individual Growth and Development Indicators www.ggg.umn.edu	

Area	Resources	
Picture Naming Fluency	Individual Growth and Development Indicators www.ggg.umn.edu	
Brief Screening Tests	 Hammill Multiability Achievement Tests Wide Range Achievement Test-Expanded (WRAT-Expanded) Young Children's Achievement Test (YCAT) 	
Performance Indicators	 Recognition and Response Observation Tool (under development) Marie Clay's Observation Tool, concepts of print— may have inadequate floor and ceilings 	

This is not an exhaustive list. Not all tools are appropriate for all grade levels or populations. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.

Reading

This is not an exhaustive list. Tools are not appropriate for all grade levels or populations. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.

СВМ	Oral Reading Fluency	AIMSweb -www.aimsweb.com DIBELS - www.dibels.uoregon.edu EdCheckup - www.edcheckup.com or iSTEEP www.isteep.com WirelessGeneration MClass - www.wirelessgeneration.com
СВМ	Maze	AIMSweb - <u>wWw.aimsweb.com</u> EdCheckup <u>www.edcheckup.com</u> Progress Pro <u>www.mhdigitallearning.com</u> Monitoring Basic Skills Progress <u>www.proedinc.com</u>
	STAR- Reading	Renaissance Learning - www.renlearning.com
Brief So	creening Tests	 Texas Primary Reading Inventory TPRI www.tpri.org Gray Diagnostic Reading Inventory Test of Word Reading Efficiency (TOWRE) Marie Clay's Observation Survey (research indicates this tool may underestimate students at-risk due to low ceilings) Measures of Academic Progress (Northwest Evaluation Association)
Perforn Indicate		National Assessment of Educational Progress (NAEP) reading rubrics or fluency rubrics may be used but require additional steps to ensure they meet requirements for technical adequacy as described earlier.

Math

This is not an exhaustive list. Tools are not appropriate for all grade levels or populations. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.

<u> </u>	· · · · · · · · · · · · · · · · · · ·	
CBM Math Computation	 AIMSweb - <u>www.aimsweb.com</u> Monitoring Basic Skills Progress - <u>www.proedinc.com</u> Progress Pro <u>www.mhdigitallearning.com</u> 	
Math Facts	AIMSweb <u>www.aimsweb.com</u>	
Concepts/Application	Monitoring Basic Skills Progress www.proedinc.com Progress Pro www.mhdigitallearning.com	
Test of Early Numeracy	• AIMSweb - <u>www.aimsweb.com\</u>	
Preschool Early Numeracy Indicators	Number Fly Intervention Central	
Brief Screening Tests	 Young Children's Achievement Test (Y-CAT) Early Childhood Outcomes Center University of North Carolina. Tools—instrument crosswalks. http://www.fpg.unc.edu/~eco/crosswalks.cfm Individual Growth & Development Indicator (IDGI - similar to DIBELS)—IDGI's may be completed to monitor students not receiving specialized intervention, to identify students who might benefit from such interventions and to monitor the effects of intervention. 	
Performance Indicators	Additional research pending	

Written Expression

This is not an exhaustive list. Tools are not appropriate for all grade levels or populations. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.

CBM Written expression	Screening tools are available; however, the reliability and validity are not as strong as in the other academic areas. Also, the time required to administer and score the measures makes use for school wide screening less than ideal.
Spelling	Measures are more technically adequate but represent only a small part of the overall process of writing.
Performance indicators	MCA IIs or NAEP but districts need to have protocols for administering and scoring and establish technical adequacy.
Brief Screening Tests	 Young Children's Achievement Test (Y-CAT) Oral and Written Language Scales: Written Expression Early Childhood Outcomes Center University of North Carolina. Tools—instrument crosswalks. www.fpg.unc.edu/~eco/crosswalks.cfm Individual Growth and Development Indicator (similar to DIBELS)—IDGIs may be completed to monitor students not receiving specialized intervention, to identify students who might benefit from such interventions and to monitor the effects of intervention.

Listening Comprehension and Oral Expression

This is not an exhaustive list. Tools are not appropriate for all grade levels or populations.) Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, they are not endorsed by the Minnesota Department of Education and are subject to change.

Listening Comprehension

- It is recommended Listening Comprehension measures be screened with informal reading inventories or with standardize measures. Oral and listening comprehension curriculum based tools have yet to be developed for large scale implementation and continues to be a development area for screening purposes.
- It is recommended data-based decision making teams work collaboratively with speech and language pathologists to identify appropriate measures for screening listening comprehension.

Brief Screening Tests for Oral Expression

- Oral and Written Language Scales : Written Expression
- Measures from Talk with Me Resource Guide. Used for speech/language pathologists and early childhood special education teams working with linguistically diverse students and their families from MDE.
- Additional measures identified by district Speech and Language Pathologist
- Early Childhood Outcomes Center University of North Carolina. Tools—instrument crosswalks. http://www.fpg.unc.edu/~eco/crosswalks.cfm
- Individual Growth and Development Indicator (similar to DIBELS)—IDGIs may be completed to monitor students not receiving specialized intervention, to identify students who might benefit from such interventions and to monitor the effects of intervention.

Note: Although not well-developed or efficient, screening measures for listening comprehension and oral expression are useful indicators of academic difficulties. In many cases, delayed language development may be the *first* indication of a broader condition, such as a general developmental disability, autism, hearing impairment, or neurological condition.

Screening for Language Difficulties

Screening for language development is not easily linked with state grade-level standards; however, districts may want to consider screening for language difficulties at certain grade levels for the following reasons:

- In most cases, the initiation of a program designed to stimulate language growth in one or more domains will have significant impact on later academic development. (Snow, C., Burns, S.,& Peg Griffin, P., (1998), ReadingRockets.org, article 281).
- Some students with mild to moderate language delays that appear to have overcome their spoken-language difficulties by the end of the preschool period remain at greater risk than other youngsters for the development of a reading difficulty. (e.g., Scarborough & Dobrich, 1990; Stark et al., 1984; Stothard et al., in press). The same is not true for students with early language weaknesses that are relatively mild or confined to a narrow domain (especially to speech production alone). Students with mild or confined language concerns tend to have very low risk of reading problems.
- The risk for reading problems is greatest when a child's language impairment is severe in any area, broad in scope, or persistent over the preschool years regardless of a child's general cognitive abilities or therapeutic history. (e.g., Stark et al., 1984; Bishop & Adams, 1990). (Snow, C., Burns, S.,& Peg Griffin, P., (1998), ReadingRockets.org, article 281).

Screening for Behavior and Social-emotional Concerns

Screening for behavioral and social-emotional concerns may also be part of a System of SRBI. Schools that include screening for behavior may use office discipline referrals

Table 3-2

Behavioral and Social Emotional Concerns

Behavioral and Social-Emotional Concerns

Performance Indicators

Behavior

- Attendance records
- Office discipline referrals, In school suspension, out of school suspension

Motivation

If motivation is a concern, add an incentive with screening. Motivation is particularly important because if a student is not motivated, one has a very difficult time making the case that the student received an SRBI. Student engagement is one of the means for determining that an intervention was delivered with fidelity.

Social-emotional

Social-emotional competence may be identified through a combination of targeted surveys or standardized behavioral checklists. More research and work needs to be done in this area.

Screening Logistical Considerations

In addition to quality practices in establishing screening systems, districts and building teams need to consider the logistics of screening. The following list includes recommendations from the literature:

 Standardize procedures for administration and scoring of screening measures to ensure reliability. There is a range of ways to accomplish screening and reporting in a timely manner, some districts use retired teachers or a team of specialists to simultaneously screen and enter data.

- Train teams each year to conduct and score results to ensure reliability.
- Conduct screening of all students in a grade within a one-week period to reduce data variability.
- Provide access to screening data to make instructional decisions within one to two weeks of administration.
- Add five weeks of progress monitoring measures to the screening process to improve accuracy of risk-status, specifically for kindergarteners and ELL students identified as at-risk. (Mellard & Johnson, 2008; Gottardo, Collins, Baciu, Gebotys, 2008).

 Use multiple measures to accurately identify at-risk kindergartners and English Language Learners (ELL).

Establishing Cut-off Scores

Districts are encouraged to establish cut-off scores to guide teams in identifying students at risk of not meeting grade-level expectations. Use a justifiable basis when establishing a cut-off score at a particular level.

Ideally, base cut-off scores on:

- Research studies establishing norms and predictive validity for a particular stage of development. (For more information, see the highlighted box discussing Predictive Power.)
- Correlation with proficient performance on *MCA IIs*, or measures of academic growth that are correlated with proficiency on MCA IIs.



Ensure cut-off scores are valid with the range of student populations (i.e., culturally and linguistically different populations). Look to see if students of similar backgrounds were included in norming studies or conduct a local study to ensure that cut-off scores are not introducing bias into the screening process.

Scores may not always reflect true performance; therefore, establish guidelines for students who perform on the "edge" of either side of the cut-score and for instances when professional judgment is contradictory screening results.



Illustrative Examples

Example 1

A first grade student read above the cut-off for words per minute. However the teacher feels other indicators of reading, such as the *Qualitative Reading Inventory (QRI)* and running records gathered over a period of time clearly indicates the student is at-risk and should be provided with an intervention.



Example 2

An eighth grade student screened for reading comprehension scores below the 20th percentile on Northwest Evaluations Measures of Academic Progress. Through record review the teacher sees that the screening score is significantly lower than historical performance would predict. The teacher follows the district's pre-determined guidelines for validating screening data and determines that the student is not at-risk.

Some sample cut-off scores found in the literature are provided below to illustrate how the measure used in screening changes across development. Teams should select the most appropriate and predictive measure for each grade level. Additionally, understand that the samples represent findings from current research. They are subject to change pending additional research.

Table 3-3

Example of Cut-off Scores for 20% in Reading for Grades K-8

Grade	General Outcome Measures	Cut-Score
K	Letter Sound Fluency (LSF)	LSF< 20
	Letter Naming Fluency (LNF)	LNF<32
	Nonsense Word Fluency (NWF)	NWF<19
Grade 1	Word Identification Fluency (WIF)	WIF<15
	Oral Reading Fluency + Passage Reading Fluency	ORF<28
Grade 2	Oral reading Fluency (ORF)	ORF<61
Grade 3	Oral reading Fluency (ORF)	ORF<78
Grade 4	Maze Fluency MAZE<13 in 2.5 min	
	Oral reading Fluency (ORF)	ORF< 98
Grade 5	Maze Fluency	MAZE<17 in 2.5 min
	Oral reading Fluency (ORF)	ORF<109
Grade 6	Maze Fluency	MAZE<18 in 2.5 min
	Pas Oral reading Fluency (ORF)	ORF<122

From Behavioral Research and Teaching Technical Report #33, University of Oregon

Predictive Power

Predictive power of screening measures can vary across development. Letter naming knowledge is one of the strongest predictors of reading achievement in kindergarten. Later, letter sound knowledge and non-sense word fluency become stronger predictors of reading achievement.

Evidence shows that non-sense word fluency measures are the strongest predictors of reading achievement across ELL students in grades K-3. Districts need to determine which screening measures are appropriate for each grade level.

Interpreting Screening Data

Districts should establish decision rules for how to organize and weigh data during interpretation and evaluation so that instructional teams can make consistent and transparent decisions for who will and will not receive intervention.

Considerations include:

- Systems identifying more than 20 percent of students as being at-risk should trigger a review of core instructional practices and ensure effective class-wide instruction is implemented first.
- Small groups or individual students become the focus of intervention when screening indicates the school or grade level has a high number of students performing well within the core curriculum.

Verifying Screening Data

While scores from screening are intended to quickly and efficiently alert staff to students who are not making sufficient progress, *accurate* interpretation of scores for each individual is critical. Districts should have protocols or procedures that enable teachers to verify and validate the screening data in order to sustain faithful implementation of screening and accurate identification of students needing intervention.

This guidance includes establishing procedures for making consistent judgments of data. Procedures may include:

- Integrating and prioritizing multiple sources of data.
- Collecting additional data to verify risk status, such as informal measures (e.g. informal inventories, running records, etc.).
- Determining the degree to which motivation impacts screening or testing performance.
- Analyzing inconsistencies in performance between testing formats.

Accurately interpreting screening data also includes consideration of what the data does and does not reflect about the student's skills. Districts may also include in their procedures means for handling inconsistencies in performance related to variations in testing formats when verifying screening data.

In some instances screening indictors use items that require a closed-ended response. Students may perform better on closed, rather than open response items. The student may have developed skills to recognize the correct answer but not to construct the correct answer.



Illustrative Examples

Example 1

James, a third grader, has reading difficulties that do not show up in screening because he has memorized many of the words that typically show up on grade level screening measures. His teacher has concerns about how accurate the screening data is because she has listened to him read many other types of materials. His performance is significantly below where she would expect.

Example 2

The Measures of Academic Progress (MAP), Northwest Evaluation Association's computer-adaptive assessment) uses a multiple-choice format to assess Language Usage. This assessment does not require students to construct a written response. Because students have performed well on multiple choice items in the past, but show deficits in their classroom performance, teachers at Lake Woebegone Elementary have opted to use both types of data to evaluate which students are in need of additional instructional supports.

Example 3

Illiana's screening results indicate that she is significantly at-risk in the area of math; however, the screener noted on the screening assessment that Illiana complained of a headache the day of screening. Additionally, her teacher notes that her classroom work and historical achievement testing data indicate that she is able to perform much higher than her screening data. The teacher questions whether the data is accurate because Illiana is not particularly motivated to take tests. The teacher discusses Illiana's performance with her parents and colleagues and makes a plan to reassess her adding a motivator to determine if Illiana's score improves.

Quality Practices for Requests for Intervention (Prior to Referral)

For many reasons a student may not have participated in school-wide screening, yet may require additional instructional supports or intervention. Reasons that may lead a staff, parent or others to agree to an intervention in absence of screening data include:

- Low grades/report cards or performance on standardized assessments (state or district wide).
- Parent requests help for their child (in addition to low grades and standardized test scores supporting evidence may include independent evaluations or tutoring reports, sensory screening or medical findings).
- Performance data or teacher reports (including reports from targeted services such as Title 1 or supplemental academic programs).
- Informal or formative assessment findings or student work samples.
- Reports of difficulty completing homework, excessive lengths of time to complete homework, significant social or emotional indicators associated with poor performance in school, etc.

Homework considerations

- Schools with inconsistent homework policies will not have a good baseline to determine if these factors indicate future risk of poor academic performance.
- Many times students with specific learning disabilities expend significant effort on homework to maintain classroom performance. Teams should not automatically disregard concerns over difficulty in completing homework.
- Interventions should include positive behavioral interventions if homework completion issues are indicative of a motivational problem.

Regardless of how students are targeted for interventions, parents and educational staff should proceed with designing interventions that are matched to the students needs. As

interventions are implemented, data gathered regularly through repeated measures of performance across time should be used to accelerate student performance (see chapter 4 for more information on matching interventions).

When well-designed and faithfully implemented interventions are not achieving the desired results, the data gathered across interventions may be used as evidence for meeting the requirements of alternate instruction prior to referral for a special education evaluation (for more information see chapters 5 through 7).

Next Steps

This chapter outlines components of effective screening systems as well as describes how to identify students who may need interventions including the importance of verifying the data used to perform this task.

The next chapter explores how to use data to select appropriate interventions to meet the identified students' needs. The assessment process figure below indicates the next step in the eligibility determination process and useful for determining how to use data collected thus far. Teams, including the parents should document each step as students move through the pre-referral or system of SRBI process.

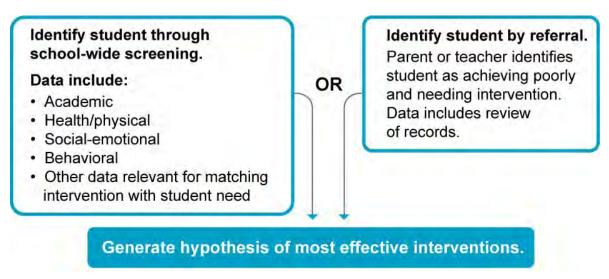


Figure 3-2. Next Steps for Using Identification Data.

Guiding questions at the end of this and following chapters may help teams document each step in the assessment process. These questions build across the SLD Manual to form a template meant to guide teams as they consider and integrate data and make instructional decisions.

Data sources used to address the question below may include, but are not limited to:

- Screening
- Record reviews
- Curriculum map reviews
- Teacher interviews

- Student work
- Observation
- Parent interviews

Table 3-4

Template for Responding to Guiding Questions

Guiding Question for Screening and Identifying Students for Intervention	Existing Data	Information needed
How has the team determined the student has had sufficient access to high-quality instruction and the opportunity to perform within grade level standards?		

References

- Deno, S.L. (2003). Developments in Curriculum-Based Measurement. The Journal of Special Education, 37(3), 184-192.
- Gottardo, A., Collins, P., Baciu, J.,& Gebotys, R. (2008). Predictors of Grade 2 Word Reading and Vocabulary Learning in Grade 1 Variables in Spanish-Speaking Children: Similarities and Differences. *Learning Disabilities Research & Practice* (23) 1, 11-24.
- Ikeda, M., Nessen, E.; & Witt, J. (2008). *Universal Screening Best Practices In School Psychology*. V Alex Thomas & Jeff Grimes (Ed). Bethesda, MD: National Association of School Psychologists Publishers.
- Klingner, J., Hoover, J. & Baca, L. (2008). Why do English Language Learners Struggle with Reading? Distinguishing Language Acquisition from Learning Disabilities. Thousand Oaks, CA: Corwin Press.
- McIntosh, K., Horner, R. H.; Chard, D. J., & Good, R.H III (2006). The Use of Reading and Behavior Screening Measures to Predict Nonresponse to School-Wide Positive Behavior Support: A Longitudinal Analysis. *School Psychology Review.* (35) 2, 275-291.

- Mellard, D. & Johnson, E. (2008). *RTI: A Practitioner's Guide to Implementing Response to Intervention*. Thousand Oaks, CA: Crowin Press & National Association of Elementary School Principals.
- Rinaldi, C. and Samson, J, (2008). English Language Learners and Response to Intervention Referral Considerations. Teaching Exceptional Children. (40) 5, 6-14.

4. Implementing a System of Research-Based Interventions

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Chapter Overview

The first part of this chapter provides guidance to teams on designing Systems of Research-Based Interventions (SRBI) in order to use the resulting data to determine eligibility. An illustrative example and two well-accepted conceptual models of RTI provide further guidance. A decision tree assists teams in selecting evidence-based interventions when SRBI are unavailable. A second tree aids in determining an appropriate intervention level based on screening results.

The second part of the chapter helps teams match interventions with specific instructional needs for small student groups and provides suggestions about what data to include and gather from parents and problem analysis. Example intervention plans also help teams complete this step.

Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance, and are provided below to help teams understand what the law requires.

Minnesota Rule 3525.1341 Subpart 4 requires consistency between the team's plan for identifying a child with a specific learning disability and its *Total Special Education System (TSES)* plan. The team must implement its interventions consistent with that plan. Minnesota Rule also dictates that teams include the following in their TSES plan:

- Specific systems of SRBI approach.
- Timelines for progression through the intervention model.
- SRBI for each content area and grade.
- Proposed teacher training for systems of SRBI implementation.
- Strategies for increasing student achievement.

Minnesota Statute section 125A.56 requires that teams provide two interventions prior to referral for evaluation. <u>View complete legal language on the Minnesota state Website.</u>

Subdivision 1. Requirement. (a) Before a pupil is referred for a special education evaluation, the team must conduct and document at least two instructional strategies, alternatives, or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil's needs, while the pupil is in the regular classroom. The pupil's teacher must

Adequate progress after an appropriate period is not defined within the federal regulations for the following reason:

"The Federal Department of Education felt the meaning will vary depending on the specific circumstances in each case. There may be legitimate reasons for varying timeframes to seek parental consent for evaluation: however. they also believe that teams will know if an intervention is not working in less than 90 days. In general, it is not acceptable for an LEA to wait several months to conduct an evaluation or seek parental consent for an initial evaluation. If, through monitoring efforts, the state determines there is a pattern or practices of delaying evaluations, it could raise questions as to whether the LEA is within compliance."

--OSEP guidance Jan 1, 2007

document the results. A special education evaluation team may waive this requirement when it determines the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's right to a special education evaluation.

Statute also requires that interventions meet the criteria of "scientifically research-based" unless specific research-based interventions are not available for a given content area. For more information, see Determine if an Intervention is Research-based in the Appendix. View complete legal language on the Minnesota state Website.

Minnesota Statute section 120B.12 Subd. 3. Intervention. For each student identified under subdivision 2, the team shall provide a reading intervention method or program to assist the student in reaching the goal of learning to read no later than the end of second grade.

Establishing Systems of Scientific Research-Based Interventions (SRBI)

Underlying effective implementation of systems of SRBI are key beliefs about how core curriculum and interventions should operate. Teams typically build their vision of effective systems on the following foundations:

- Staff, community members and parents believe that all students can learn. They engage in designing instruction to meet the needs of all students.
- Capacity exists to systematically maximize the effect of instruction for all students.
- Evidence-based instructional practices and materials are used at each support level and meet the needs of targeted learners including culturally diverse and special education populations.
- Instructional practices are differentiated to ensure that all students have access to the "critical" content or skills and experience instruction that is motivating and challenging.
- The focus of instruction is on alterable variables (instruction, curriculum, and environmental supports) that change trajectory of performance and achievement.
- Instructional supports are designed to accelerate learning and performance (remediation is insufficient).
- Mechanisms, processes, and procedures are in place to facilitate continuous improvement.

Typically, systems of research-based interventions include tiers of support as described in Orientation to Specific Learning Disabilities Definition and Laws. Even though the Minnesota Department of Education uses three tiers of support to describe a framework, schools have the flexibility to determine their own conceptual model and structure of support systems.

Important: This chapter refers to support tiers as primary, secondary and tertiary prevention levels in order to stress that systems *are not obliged by rules to require tiers*. However, schools must determine the levels of support or tiers of intervention they will provide within their team system of SRBI and outline them in the TSES plan. For complete listing of requirements, see Minnesota Rule 3525.1341 Subpart 4. The linkage to primary, secondary, and tertiary levels of prevention comes from the extensive history of these terms in public health and community psychology.

Building a System of Scientific Research-Based Interventions

Prior to building a system of interventions, school and teams should thoroughly evaluate their core curriculum and instructional practices at the primary level of prevention to ensure they are scientifically research-based, feasible, and that the critical areas of instruction are in place.

Pilot site staff implementing a system of SRBI report that analysis of core practices is essential and highly discourage skipping analysis of core instructional practices in order to focus on selecting interventions. Teams that select interventions without thoroughly understanding the strengths and weaknesses of the core curriculum run a risk that selected interventions will not meet their long-term needs. Some districts have identified obvious gaps and selected secondary and tertiary supports to address those

Minnesota Rule requires that teams specify the details of their systems used to generate data for eligibility determinations. For each content area, include related estimated timelines, and decision rules for how students will move through interventions (Minnesota Rule 3525.1341)

issues with an understanding that it is as an interim step. Simultaneously the team is working on training staff to systematically analyze alignment and implementation of core instruction.



Illustrative Example

Happy Valley school team began to use the *Consumer's Guide to Evaluating a Core Reading Program Grades K-3* (Simmons and Kame'enui) to help them analyze their reading practices prior to selecting interventions. This practice has since become an established precedent for other teams.

To analyze core practices for adolescent literacy, see *Model Secondary Plan*, developed by the Minnesota Department of Education to assist secondary schools in revising their reading instructional practices.

Additionally, school staff have found benefit in analyzing implementation of their core practices to understand if curriculum maps are current and are followed as designed. Once satisfied that core curriculum and instructional practices have been implemented correctly, school-wide data is used to identify performance gaps and lead to selection of appropriate interventions.

After achievement data and core practices have been thoroughly reviewed, teams will have valuable data to assist in selecting appropriate research-based interventions. The SRBI research community developed two conceptual models of RTI: a standard treatment protocols for interventions, and a problem-solving approach. The table below includes definitions of both and the parameters in which they are effective.

Table 4-1
Intervention Protocols and Corresponding Problem-Solving Approaches

Standard Treatment Protocol	Problem-Solving Approach
Includes interventions that researchers have validated as effective through experimental studies. A specific intervention protocol, that has evidence to support its effectiveness in improving student achievement, is provided to any student whose needs match what the intervention addresses.	Involves planning interventions for an individual student. The plan is created by an instructional team and implemented in the general education classroom (Mellard, 2008). This approach often combines interventions and accommodations to address multiple issues.
Standard treatment protocols are effective if they specify conditions, such as: • What yields evidence of success. • Number of minutes per day and days per week for interventions. • Who should provide instruction, assumed knowledge and training? • Specific skills to be taught. • Materials to be used. • How to monitor progress.	 Problem-solving models are effective if they include: A rigorous problem analysis that leads to understanding the gap between current and expected levels of learning and performance. A scientific approach to solving the problem with a focus on altering instruction, curriculum and classroom environment to improve performance. Scientifically tested interventions that have been proven effective by the field.
Evidence of faithful implementation.	A procedure for continuously monitoring student performance.
	Procedures for using information from a variety of sources that informs the decision to continue or modify the intervention in order to increase student performance.

Quality practice and the need for efficiency suggests that the most effective and efficient means of matching interventions to student needs is an integration of problem-solving to identify which standard treatment protocols would be most appropriate. An alternative discussed in research indicates that selection of a standard treatment protocol in secondary prevention level supports (Tier 2 intervention) that addresses multiple critical areas of weakness, with a problem-solving approach applied to selection from a more targeted menu of tertiary prevention level supports (Tier 3 intervention), increases efficiency. (For more information on levels of support and standardized protocols see Mellard and Johnson, 2008; the National Center on Response to Intervention).

Districts must devise systems with interventions and supports that provide the greatest likelihood of accelerating academic and behavioral learning and performance of those students identified as needing additional instruction. To assist districts in uniformly selecting the appropriate interventions, teams should establish guidelines for selecting the

most appropriate intervention. Districts guidelines should be inclusive of circumstances under which a student should:

- Move into secondary supports.
- Skip to tertiary supports or evaluation for special education.
- Stay within a level of support (e.g., move from secondary decoding to secondary language comprehension intervention).
- Exit out of interventions.

There is no assumption or statement in the Minnesota Rule specifying that students must move sequentially through the system. Instructional teams may decide to provide a student with the most intensive intervention available based on the significance and the need. The selected supplemental instruction should have the greatest likelihood of reducing the gaps in skills.



Illustrative Example

To prevent a mismatch between students' needs and available intervention supports, Lake Woebegone elementary has established guidelines for their continuum of supports.

- **Secondary Supports:** Early Intervention Reading, Read Well and Language! —small group instruction in letter recognition and language skills appropriate for students performing between the 26th to 40th percentile in letter recognition and language skills.
- **Tertiary Supports:** Reading Recovery—intensive one-to-one instruction in letter recognition and language skills appropriate for students performing between the 11th to 25th percentile in letter recognition and language skills.

First-graders performing between the 11th and 25th percentile in letter recognition and language skills receive Reading Recovery for 12 weeks. First-graders performing between the 26th and 40th percentiles receive Early Intervention Reading and Language! intervention in 6-week cycles.

Although Reading Recovery would typically be considered a tertiary intervention, the team has determined through research and pilot data that the intervention is most successful for students performing in the 11th-26th percentile range. Additional analysis of team data has led to the guideline for moving students back to secondary supports if students do not respond or need continued intervention beyond Reading Recovery.

For districts building their systems of SRBI or those selecting pre-referral interventions, the variables that are important to consider when differentiating between levels of intervention support include (Mellard, McKnight & Jordan, in press):

- Size of the instructional group.
- Immediacy and specificity of corrective feedback.

- Mastery requirements of content.
- Number of response opportunities within instructional session.
- Number of transitions among contents or classes.
- Specificity and focus of instructional goals covered each session.
- Frequency with which the intervention is delivered in a week.
- Duration or number of weeks in an intervention cycle.
- Minutes of intervention per session.

The Changing Roles and Responsibilities of Screening and Intervention Staff

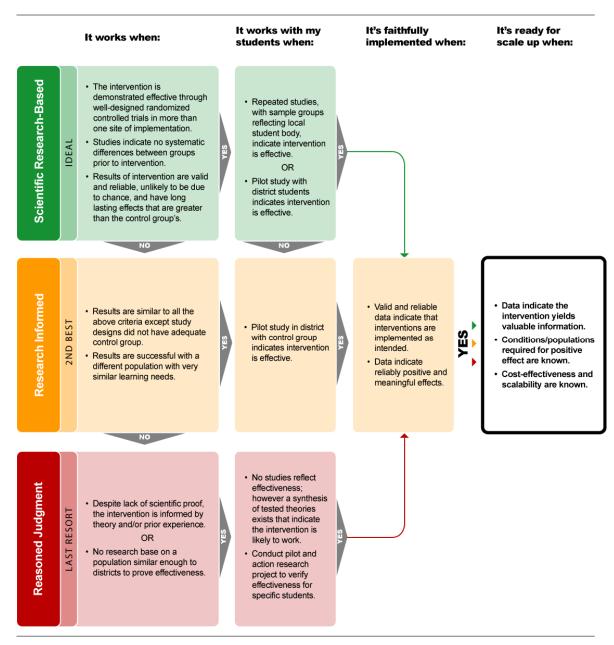
The TSES plan requires an explanation of professional development plans. Quality practices suggest that training should include administration and interpretation of assessment results (screening and progress monitoring) as well as the intended research-based interventions. To ensure clarity for parents and staff providing service, it is also recommended that the description of each professional's role in the intervention process be clearly articulated.

If a related services specialist or special education teacher delivers an intervention, those responsible for selecting the intervention the student will participate in should explain to parents how the role of the selected interventionist differs from the role of a special education teacher delivering special education services. In some cases, licensure statutes or union contracts influence who can provide intervention services.

In 2006, the International Reading Association convened a workgroup to explore how various professionals could contribute to the intervention process. <u>View New Roles in Response to Intervention: Creating Success for Schools and Children on the American Speech-Language-Hearing Association Website</u> to learn more about the role of staff in improving the achievement of struggling students.

Guidelines for Selecting Interventions and Instructional Strategies

The body of scientific research-based interventions and instructional strategies continues to develop. In the event that scientific research-based interventions or instructional practices are lacking, or peer-reviewed research is not available, the following decision tree may be helpful in determining appropriate interventions:



Adapted from Identifying and Implementing Educational Practices Supported by Rigorous Evidence: A User Friendly Guide. U.S. Department of Education Institute of Education Sciences National Center for Education Evaluation and Regional Assistance (2003). V. Weinberg 01/08

Figure 4-1. Decision Tree for Determining Interventions.

For more information, read consumer guides in the What Works Clearinghouse and the Florida Center for Reading Research to evaluate if interventions are research-based.



Effective interventions follow these quality practices:

- Taught as supplemental to core instruction; not a replacement of core instruction or a subtraction from core instructional time.
- Guided by and responsive to data on student progress.
- Motivate and engage the student.
- Address areas the student needs to learn, not just followed because it is the next lesson or task in the book.
- Intervention staff provide students with:
 - o Interventions as soon as the student shows a lag in developmental skills or knowledge critical to reading growth.
 - o Interventions that increase in intensity and focus as the gap between the desired level of performance and student level of performance widens.
 - Opportunities for explicit and systematic instruction and practice with cumulative review to ensure mastery.
 - Skillful instruction including good error correction procedures with many opportunities for immediate positive feedback and reward.

Important: This is the end of guidance for building a system of scientific research-based interventions. The next section covers how to take the information gained during systems of SRBI to determine the level of intervention for the student.

Analyzing Data to Determine Level of Intervention

Teams should establish a framework to assist in developing decision rules about what intervention is required given the results of screening. The decision tree in the figure below uses the 80-15-5 resource allocation model discussed in the research literature as a guide for determining the necessary level of intervention. Systemic interventions should proceed when 20 percent or more of students require supplemental instruction.

This rule should be applied to subgroups not just the total population to ensure that the core instruction is effective for culturally and linguistically diverse students. The decision tree shown below allows teams to skip to an individual level of problem-solving when problems are infrequent or rare. Read the figure from the upper left corner and follow the arrows that match the "yes" or "no" answers.

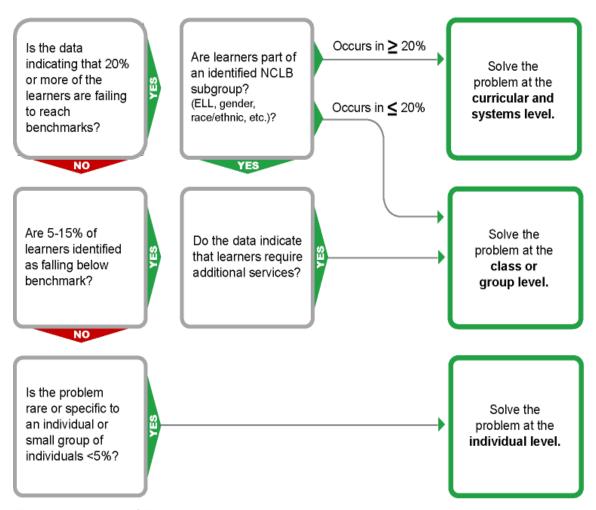


Figure 4-2. Level of Problem Analysis.

Adapted from Christ, T. (2008), Best Practices in Problem Analysis. Best Practices in School Psychology. NASP.

Primary Supports (Tier I) to Help Determine When to Intervene in Core Instruction

In some instances, screening data may indicate that a significant number of students require additional instructional supports. Since resources may not be available to provide 20 percent of a class or grade with additional instructional supports, a class-wide or grade-level intervention may be warranted. After reviewing the screening data, devise appropriate standard protocol interventions to meet students' needs. For class-wide intervention or a small-group intervention, use multiple sources of data to select the appropriate intervention.

Note: Teams making eligibility determinations may want to incorporate data used to analyze and adjust core instruction to address exclusionary factors. These data may be available from Professional Learning Community or grade-level team meetings or school improvement plans.



Illustrative Example for Decision to Provide A Class-wide Intervention

Through screening, the teacher finds that 7 of 28 students are low in decoding skills and records show deficiency in both sight word vocabulary and intermediate decoding skills. Given the number of students needing additional support in sight word vocabulary, the teacher assumes that the students did not have access to adequate instruction in this area. The teacher and the grade-level team develop a class-wide intervention within core instruction to build sight word vocabulary and multi-syllabic decoding strategies. The teacher conducts progress monitoring for the seven students to ensure they are responding to the class-wide intervention.

Resource Tool: Possible Reasons Core Instruction Does Not Meet Student Needs

The resource tools below provide guidance on options to improve core instruction. This also provides reasons for adjusting and documenting changes to core instruction in order to improve outcomes for subgroups of learners.

Table 4-2

Troubleshooting to Improve Core Instruction

Instruction	Curriculum	Environment
 Instructional approach or method(s) align with curriculum standards. Missing skills or gaps in knowledge are specifically taught and linked to existing knowledge. Percent of instructional time that is academic engaged time is maximized and transitions are minimized. Structure of lessons includes clear expectations, predictable organization, and appropriate pace. Opportunities for practice are maximized. Feedback is specific and frequent. 	 Content is appropriate given students cultural and linguistic background. Content of materials aligns with standards and is appropriately timed. Meets principles of Universal Design. Content is relevant and allows flexibility to develop gaps in prior knowledge. 	 Arrangement of the room facilitates learning. Expectations explicitly posted, modeled and taught. Management plans in place and executed with skill. Task pressure is developmentally appropriate. Social/behavioral skills. Adaptive behavior skills. Motivation.

Resource Tool: Research-Based Suggestions for Strengthening Core Instruction

The following table describes research-based adjustments to strengthen core curriculum according to four domains. Documentation of these and other research-based improvements to core instruction will be valuable in matching interventions, comprehensive evaluation, and eligibility determination.

Table 4-3
Suggestions for Strengthening Core Instruction

Suggestions for Strengthening Core instruction							
Domain	Teaching Suggestion						
Instruction	Increase opportunities to respond.						
	Increase feedback both in frequency and specificity.						
	Check level of classroom instruction against student's instructional lev						
	Pre-teach terms or concepts.						
	 Increase direct and explicit instruction as well as opportunities for explicit practice. 						
Curriculum	Check alignment of curriculum with state standards and assessment measures.						
	Check for gaps in curriculum and/or execution of curriculum.						
	Prioritize and pre-teach concepts and terms.						
	Use extensions of core program, supplement or replace core curriculu provide additional staff development.						
	Adjust instruction to provide appropriate practice for stage of learning (acquisition, proficiency, maintenance, generalization, adaptation).						
	Observe or coach staff in implementing core or supplemental features of core curriculum.						
Environment	Create flexible groups that work on targeted skills size.						
	Increase teacher led instruction; alter/eliminate distracters in the environment.						
	Establish clear expectations and class routines.						
	Teach organization and study skills.						
	Teach social emotional skills such as problem-solving, cooperating, and peer coaching, reciprocal teaching.						

Domain	Teaching Suggestion
Differentiating	Analyze health history and make accommodations for sensory issues.
for Individual Learners	Adjust instruction based on information from an error analysis.
	Identify and teach to learning strengths, provide immediate feedback.
	Reinforce effective effort.
	Provide homework or extra practice within instructional level (90% correct without help).

For additional research-based suggestions, visit Center for Applied Special Technology (CAST). See *Universal Design for Learning (UDL) Curriculum Self-Check*.

Secondary Support (Tier II) Decision-Making: Small Groups/Individuals

When less than 15 percent of a class or grade level does not develop skills as expected, or at a rate not commensurate with state standards, staff need to use procedures to determine the precise skills to address. Rather than using trial and error, teams should provide a protocol or established guidelines for making data-driven instructional decisions.

Solving the problem at the group or individual level should require the staff responsible for selecting interventions to follow team guidelines (also see recommendations made in Building a System of Scientific Research-Based Interventions). An illustrative example of how a district established a protocol for grade level teams is shown below.

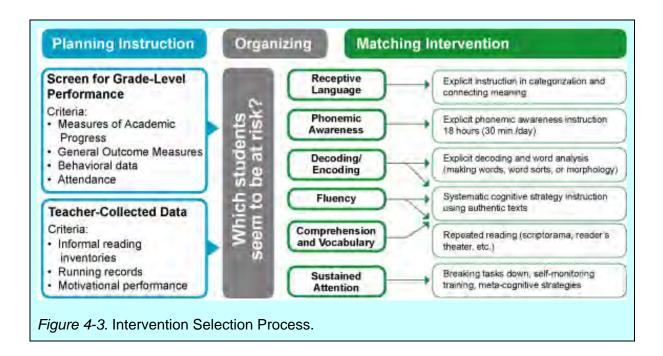


Illustrative Example

Lake Wobegone held meetings to identify and problem-solve the need for large scale intervention within core curriculum and to match specific students with interventions. Grade-level teams now meet the third week of the school year to review screening data and their own data on student performance. This review session is used to verify students' level of risk, and determine the most powerful intervention that can be provided.

Teachers come to the data meeting having identified students that appear to need secondary or tertiary supports based on cut scores and their own data. Each teacher takes turns presenting the list of students and the data that indicates the needs. The teachers discuss the patterns of needs and the available menu of interventions. They begin to form groups for interventions and identify staff that will provide the interventions. Students that have language needs are placed into a group that receives the standard protocol language intervention. Students who require additional support in vocabulary and decoding receive a broad intervention that develops multiple skills. Grouping of students continues until all atrisk students are placed in interventions that address their needs. Some students are placed in tertiary supports and/or receive additional behavioral supports.

The figure below illustrates the intervention selection process used by Lake Wobegone.



Note on Semantics: For all intents and purposes, identifying the appropriate standard protocol or intervention support requires professional judgment through the use of data to make informed decisions. Some individuals prefer the term "professional judgment" while others prefer "data-driven decisions" or "problem-solving." The SLD Manual uses the term "problem-solving" to describe a protocol that outlines how teams and schools make professional judgments or data-driven instructional decisions.

Whatever specifications teams choose to include in a problem-solving protocol, the team's procedures should require that instructional staff systematically identify and examine variables that can be altered to improve the performance of students. The most controllable variables are instruction, curriculum, and environment (ICE). These variables should be given priority over assumptions about learner characteristics with the exception of sensory issues such as vision, hearing, physical health, etc. Systematic analysis of instruction, curriculum, and environmental variables provides multiple benefits:

- A better match between student needs and intervention supports.
- Increase in implementation of system of SRBI or pre-referral interventions.
- Ability to determine whether or not a student has received appropriate instruction.
- A larger impact than on just one student; the whole class may benefit.

The following framework for problem-solving provides one means of systematically analyzing student needs. Teams are encouraged to specify and train staff in their own protocol and tools. The sample protocol below provides a basis for informed decision making.

- **1. Define the Problem.** Define the problem and why it is happening (see pages 15-20).
- **2. Analyze the Problem:** Validate the problem, identify the variables that contribute to the problem and develop a plan (see pages 20-33).
- **3. Implement the Plan:** Carry out the intervention as intended (for more information see (pages 33-35).
- **4. Evaluate the Plan:** Does the data indicate the plan is working (see chapter 5 for further discussion of monitoring progress).



Problem-Solving Protocol

This section contains steps for problem-solving, suggested tools to assist with the step, and guidance on special cases to help teams predict reading problems for students with language deficits.

Problem-Solving Protocol Step 1: Define the Problem

What is the problem? Analyze the data and define the problem by determining the difference between what is expected and what is occurring. Use the results of screening, curriculum-based evaluation, record reviews or teacher collected data to analyze the specific skills that require additional instruction. Based on the results, look for students with similar needs and group them for targeted intervention. This process can be quite quick if instructional staff have training in miscue analysis or curriculum-based evaluation.

The most challenging part of matching interventions to students' needs is identifying the specific learning problem to be solved. This requires weighing multiple pieces of data while maintaining focus on the alterable variables that have the greatest likelihood of making a difference in student performance. To determine if a skill limits student growth, instructional staff should know if said skills are developmentally appropriate. When choosing interventions, teachers should be aware of skill development progress as defined by research.



Illustrative Example

Three students who do not respond to a class-wide intervention may have poor rates of attendance and homework completion. When planning a second small group intervention as an addition to the class-wide instruction, the teacher focuses on the most relevant alterable variable for why a student isn't developing appropriate reading skills. Instead of assuming lack of progress is due to attendance or homework, she dedicates attention on determining whether lack of progress is more attributable to language

acquisition or decoding/encoding subskills. Based on a review of data, she and the other grade-level teachers quickly analyze the list of students at risk and make assignments to standard protocol language and decoding interventions.

Resource Tool: Skills Hierarchies for Targeting Skill Deficits

Language Skills Hierarchy

If screening indicates that a student is significantly behind in reading skills, and it is more likely due to inadequate language skills than phonics skills, additional screening on the developmental stages of language is indicated. The decision tree below shows one possible diagnostic sequence. The rule of thumb is, "test backwards and teach forwards." Testing backwards means backtracking through the diagnostic sequence to determine the student's instructional level and identify the appropriate intervention starting point.

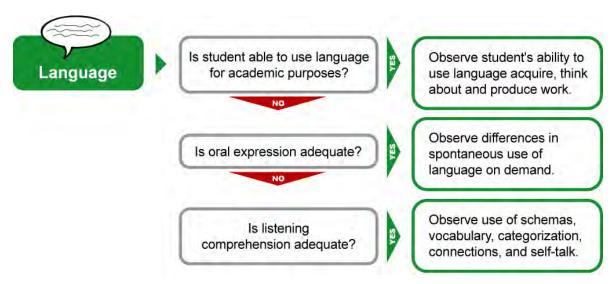


Figure 4-4. Diagnostic Sequence For Determining Point of Intervention – Language

For students lacking in sufficient independent reading skills, teachers may begin their evaluations with determining the adequacy of listening comprehension and oral expression skills.

Guidance on Linking Language and the Development of Basic Reading and Comprehension Skills

Although sufficient evidence indicates that students with previously identified language delays may experience persistent difficulty in acquiring literacy skills, not all language disorders impact the development of literacy skills. The following guidance may help teams sort through which language issues may lead to difficulty in acquiring basic reading or reading comprehension skills:

 Some students with articulation issues may be falsely identified as at-risk in benchmarks requiring oral production. Consider the influence of articulation errors in acquisition or early literacy skills. Consult with speech clinician to determine if pattern of errors on literacy screening are due to articulation. Consider whether the student can hear the difference when the teacher makes the errors (minimal pairs—hat vs. cat—consult with SLP).

- Fluency and voice should not influence acquisition of literacy skills; therefore special education services in the areas of reading, writing or math are not justifiable unless additional intervention or assessment data indicates a co-existing problem.
- Linguistic differences should not influence the acquisition of literacy skills when
 quality reading instruction is in place. Do not track students for dialect or cultural
 language differences (plural endings when not in native language, non-standard
 English, verb tenses, etc.). See Reducing Bias and ELL Manual to understand
 language differences that are relatively normal and not indicative of language
 impairment.



Illustrative Examples

Example 1 - Student does not use verbalizations to monitor attention, thinking, and self-regulation. Teacher observes a delay in verbalizations becoming internalized. Students not using verbalizations, sub-vocalizations, or internal voice to monitor behavior and attention may have difficulty acquiring reading comprehension and self-monitoring skills.

Example 2 - Students eligible for Early Childhood Special Education services under the category of Developmental Delay or Speech/Language services with language impairment are high risk for difficulty in acquiring literacy skills including those with:

- Difficulty with symbol associations as well as basic concepts (more/less, larger/smaller).
- · Difficulty sequencing (first/last) spoken sentences and writing.
- Limited vocabulary (fewer words and alternative words).
- · Generic stories that lack detail.
- Display significant grammatical and syntax errors in oral language.
- Difficulty acquiring social skills, such as turn-taking and reading facial expressions.
- Difficulty discerning humor.

Continue providing services in language and consider targeted interventions in reading and math. For students entering into kindergarten, consider most intensive interventions for developing phonemic awareness and vocabulary. Monitor progress and modify instruction to accelerate skill acquisition.

Example 3 - Student is not eligible for Speech/Language services, but screening data indicate issues with expressive/receptive and pragmatics of language or student had issues listed above but didn't qualify for service. Determine if student is appropriate for targeted intervention, quality of data and severity of concern in addition to prior experience factor into the intensity of intervention (secondary or tertiary).

Reading Instructional Hierarchy

Students whose screening data indicate inadequate oral reading fluency should undergo additional problem-solving to determine if the problem lies in accurately reading words or

reading connected text. Accurate word reading fluency with poor fluency in reading connected text may indicate lack of automaticity in decoding skills. If students lack automatic decoding or phonetic skills, general outcome measures or other informal measures may be used to assess adequacy of phonemic awareness skills and so on. The instructional team should use the lowest scores between language and reading assessments to prioritize allocation of instructional time during intervention.

The hierarchy below shows one possible diagnostic sequence. Again, the rule of thumb is, "test backwards and teach forwards." Backtrack through the diagnostic sequence outlined below to determine the student's instructional level and identify the appropriate intervention starting point. Then teach the skills building on each other, keeping in mind that vocabulary and prior knowledge must be layered into every lesson to continue to build the student's knowledge.

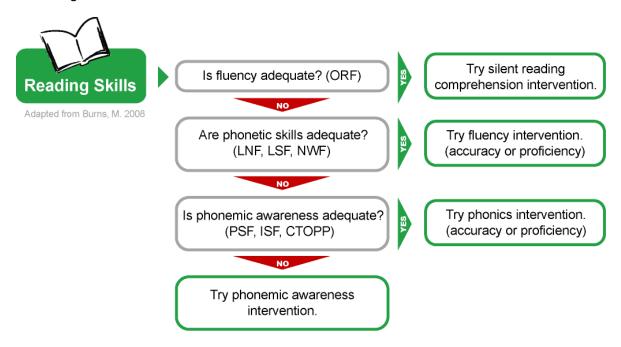


Figure 4-5. Diagnostic Sequence For Determining Point of Intervention – Reading Skills. ORF - oral reading fluency, LNF - letter naming fluency, LSF - letter sound fluency, NWF - nonsense word fluency, PSF - phoneme segmentation fluency, ISF - onset fluency, CTOPP - Comprehensive Test of Phonological Processing.

Mathematics Instructional Hierarchy

The hierarchy below shows one possible diagnostic sequence. Just a reminder, use the rule of thumb, "test backwards and teach forwards."

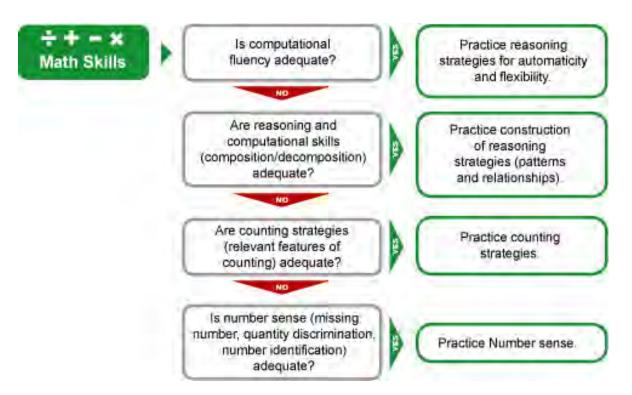


Figure 4-6. Diagnostic Sequence For Determining Point of Intervention – Math Skills.

For more information see Geary, D. (1999) or Methes, S. or www.enumeracy.com.

Generic Instructional Hierarchy for Skills Problems

The following generic instructional hierarchy will help teams create their own means of targeting appropriate sub skills.

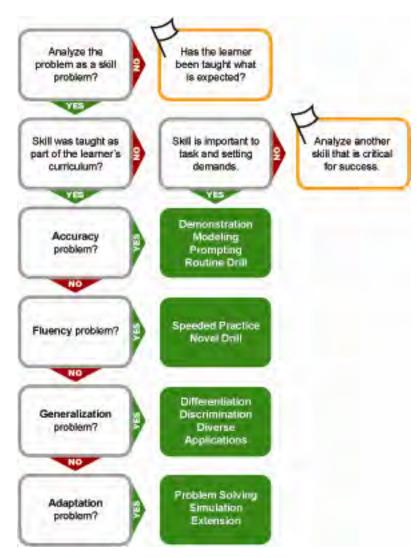


Figure 4-7. Targeting Appropriate Sub Skills

Adapted from Christ, T.J. (2008) Best practices in problem analysis. In A. Thomas, & J. Grimes (Eds.), *Best practices in school psychology*. Pp. 159-176. Bethesda, MD: National Association of School Psychologists.

Problem-solving Protocol Step 2: Analyze the Problem

Validate the problem, identify the variables that contribute to the problem and develop a plan. This section reviews tools for validating the plan, gathering information from parents as well as sample forms for documenting the intervention plan. Additional questions that can guide in the selection of the most appropriate intervention follow Resource Tool 4.

Even if a system of SRBI uses standard protocols, those responsible for assigning students to specific interventions should understand the reason for the problem. Analysis of group data may help instructional staff better maximize the impact of interventions as well as help to review data for students suspected of having a disability. Teams should use existing data, (academic, behavioral, health, teacher judgment, developmental history, etc.) or, if necessary, gather additional data to determine if the student requires differentiated instruction or intervention supports.

Resource Tool for Analyzing the Problem: Validating the Problem and Contributing Factors

The following tables may help teams target student performance according to the variables that are within a teacher's ability to address. See broad questions to analyze the context behind screening and informal assessment results and to root out the cause. The table below applies to the variable or **domain of instruction**:

Tables 4-4
Guidelines for Analyzing the Problem

Problem Analysis	Questions to Consider Why the Problem Exists				
i iobieiii Alialysis	waeshons to consider why the Froblem Exists				
Does evidence	Nature of Instruction				
suggest the problem is a lack of experience with the content or a mismatch between instruction and	 Has the student consistently received the full amount of research-based instruction? 				
	 What is the time spent on instruction vs. management of behavior and transition? 				
expectations?	How is content delivery structured?				
Do there patterns in	o Is the structure of lessons coherent and consistently implemented?				
the data suggest areas of language acquisition, prior knowledge, or conceptual understandings that need additional development?	 Does the structure of the lesson include activating prior knowledge, pre- teaching and connecting prior knowledge with new learning? 				
	 Does instruction account for necessary prerequisite skills and adjust for difficult content? 				
	 What does the data suggest is the phase in learning: acquisition, proficiency, maintenance, generalization, or adaptation? 				
	 Are errors consistent or patterns of performance suggestive of specific skill deficits of gaps in knowledge? 				
	Language Acquisition				
	What is the student's level of language acquisition and the amount of				

Problem Analysis	Questions to Consider Why the Problem Exists			
	instruction provided in English?			
	 Are differences in the student's level of listening comprehension and oral language in native language and English evident? 			

The following table applies to the variable or **domain of Curriculum**:

Questions for Problem Analysis	Questions to Consider Why the Problem Exists
Do gaps exist in curriculum or execution of curriculum? Does the curriculum provide adequate pacing and practice for the student to move through the four stages of learning (acquisition, accuracy, fluency, generalization/application)?	 Alignment of Curriculum Has instruction been aligned with state standards and assessment measures? Are areas of the curriculum in which students/ subgroups of students typically experience challenge evident? How effective are the adjustments? Are or have the students been held accountable for material that has not been taught?

The following table applies to the variable or **domain of the Environment**:

Are the behavioral expectations specifically taught? Is the student being held accountable for expectations or behaviors that have not been taught?	Clear Expectations			
	 Are expectations developmentally appropriate, posted, modeled and taught? 			
	Do expectations include criteria for acceptable performance?			
	Is feedback on performance timely and specific?			
	Positive Supports			
	Are positive and pro-social behaviors recognized in a ratio of 5:1?			
	 Does the student's motivation reflect the teacher's attention to student's approach, persistence, and interest level to subjects? 			
	 To what extent is student actively engaged and participating with content? 			
	 Are study skills that facilitate learning of new material explicitly taught? 			
	 Are interpersonal skills, including behaviors necessary to interact with others, explicitly taught? 			
	Management of Time and Space			

What is the student's
performance in
relationship to setting
demands (e.g., teacher
expectations, focus on
achievement vs. focus
on task completion)?

- Is the physical arrangement of the classroom (noise, position relative to focus of instruction, etc.) conducive to learning?
- Are management plans consistently executed?
- Are relational influences (peer-to-peer, student-to-instructor, student-to-family) adversely influencing learning and performance?
- What is the ratio of time spent on instruction vs. management of behavior?

The following table applies to the variable or **domain of what is internal to the learner**:

Questions for Problem Analysis	Questions to Consider Why the Problem Exists
Are physical or sensory abilities limited for the learner?	 Vision Acuity Efficiency Near focus Near-point convergence Tracking saccades Hearing Acuity Resistance to distraction Motor Coordination Medical diagnoses inconsistently treated

Note: Simultaneous intervention may be in the student's best interest; however, implementation of multiple interventions does not automatically move a student to comprehensive evaluation unless the team determines that the need is urgent.

Involving Parents in the Selection of Interventions

As discussed in chapter 2, Minnesota Rules have specific requirements for informing and providing data to parents. Although instructional teams may be initially selecting students for standard protocol interventions, parents can still be involved in the process. For teams that continue to use pre-referral intervention procedures, inclusion of parents continues to be a quality practice. At the point where instructional staff have gathered and interpreted the data, a conversation with the parent about the need for supplemental instruction is recommended. This point is also an opportune time to gather information from the parent that may further validate the implementation of an intervention or provide additional knowledge that further informs problem-solving. The following resource tool provides optional questions for gathering data and establishing a collaborative relationship.

Resource Tool: Structuring a Dynamic Interview

First inform parents: Explain that any information gained may be used as part of the system of SRBI process. Explain the system of SRBI process, if necessary. State all information is private and only specific information will be shared with staff if necessary. Convey any previously acquired data that the school has already collected including any graphs or samples of work from previous interventions. Accompany the process of gathering information from parents with face-to-face or phone interviews. Mailing interview questions to parents without in-person interaction is strongly discouraged since parents may not understand questions or know what information is relevant to the professional.

Directions for the interviewer:

Explain the purpose of the interview:

A concern about (name area) has been expressed about how (name student) has been performing in school and we would like to gather information that will help the team determine how to intervene.

- 1. This information may be used as part of a scientific research-based interventions (SRBI) process. All the information is private and will be shared only with the staff that needs to know it.
- 2. If an interpreter is being used for this process, a licensed school staff person must accompany the interpreter and conduct the actual interview.
- 3. Interviews should be conducted in person, not over the phone, whenever possible.
- 4. Ask the questions in the order they are listed.
 You may not be able to ask all the questions; however, in order to develop a rich developmental history of the student all questions should be asked.
 - a. The primary reason for not asking a question is that the information is already on file.
 - b. Another reason for not asking the question would be the age of the student. Older students or students who are already in the program would be a possible reason for some questions being no longer relevant.
- 5. Be sure to check for understanding when asking the questions. Passive nodding may not indicate that the person being interviewed really understands the question being asked. You may need to give specific examples or rephrase questions to clarify.
- 6. You may need to clarify for the parent that the individual student's lack of progress is not related to the school's ability to meet adequate yearly progress (AYP).

Illustrative Example Interview Script between Team Member and Parent/Guardian

To the parent/guardian: Explain to the parents that the purpose of the interview is to build a partnership/collaborative effort to help their child be more successful in school.

(Child's name) is having difficulty making progress in (name area). We have tried (name and describe interventions attempted) at school already. We are going to try additional interventions and instruction to help (child's name) to be more successful in this area. As the parent, you are an important part of the team and we need your help so we can better understand (child's name) needs. This information will guide our development of an effective intervention, so we would like to hear your thoughts about your child at home and school. We know that when parents and schools are partners, children are more successful at school.

Second Ask Questions: Ask increasingly targeted questions based on the parent's response. The recommendation is to either follow up with written questions so that the parent may add additional thoughts after the meeting or send the broad questions in advance to help the parent organize his/her thoughts.

Note: The bank of questions that follows has been put in a suggested order; however, staff are encouraged to select the most appropriate questions for the context. Start with broad questions. The broad questions are numbered and the more targeted questions are preceded with a lower case letter. Always use the child's name when asking questions.

- Tell us what (child's name) likes to do at home?
- What are your child's favorite activities and interests?
 - o Please give me an example of what (child's name) likes to do for fun.
- 1. Tell us about what s/he does well. (This can be academic, social, sport or any area).
- 2. Tell me about his/her friends?
 - a. Does he/she have a lot, few, trusted?
 - b. How does your child get along with his friends? (Leader? Follower?)
- 3. Is (child's name) involved in activities after school? (This can be school or non-school related. The purpose of this question is to determine how busy the child is, what are the stressors in the child's life, whether any activities are interfering and also to see if the parents have noticed and done something to address the area of concern).
 - a. If so, what are they?

- 4. Gather background information that is not currently available in the student file and/or to check accuracy of existing information.
 - a. Does (child's name) have a nickname s/he prefers to be called? What is the name your child prefers to be called at home?
 - b. What language does (child's name) speak at home? What language is the primary language of the primary caregiver? Parent(s)?
 - i. About how many hours a day is s/he hearing and using both the native language and English?
 - ii. Did (child's name) participate in pre-school or day care? Which language was the primary language used?
 - c. Who is at home that might be able to help (child's name) with learning things in (name the area of concern)?
 - d. What previous school experience has the student had? If not specifically stated, ask: Preschool? Previous schools attended?
 - e. Are you aware of any problems with (child's name) vision and hearing? Have any outside evaluations been done in these areas of which the school may not be aware?
 - f. Has (child's name) been diagnosed with any illness or condition we should know about? If so, what can you share with us that is relevant to education?
 - g. Does (child's name) take any medications? If so, what are they?
 - h. Has (child's name) received any support services such as Title I or Special Education in the past? If so, what services and with what effect?
- 5. How do you teach (child's name) new tasks and skills? (This question is attempting to see what learning strategies the parents have tried and used successfully. This information may help guide the instructional interventions).
- 6. What does (child's name) tell you about school? (This question is attempting to see if the parent and student are aware of any difficulties or successes at school. This question may also open up communication between the parent and child about the area of concern).
- 7. What do you know about how well (child's name) is doing in school?
- 8. Interviewer should explain areas of concern at this point if they have not already been explained to the parent. Then ask the parent: Have you seen any of these issues at home? If the parent has already expressed these concerns in response to question #3, do not ask this question.
- 9. Do you have any concerns about (name the specific skill or behavior)?
- 10. What do you think the school could do to help (child's name)?
- 11. Realizing the constraints of time and work, what activities are you or someone in the home doing to help your child with (name concern)?

- 12. How much time does your child spend doing homework at home? (The purpose of this question is to determine the parents awareness of the child's educational load).
 - a. What is the amount of homework (child's name) brings home? Describe the homework they bring home on a daily basis. Does your child bring home the materials needed to complete the homework?
 - b. How much time does (child's name) spend on homework each night? Do you feel this is an appropriate amount of time?
 - c. How much assistance does (child's name) require to complete the homework? Who is available to help? Is someone proficient in English available to help the child with homework? (Refer back to question regarding who is available to help child with learning.)
 - d. What is his/her behavior when doing homework? Is s/he able to complete the homework? Alone? With assistance? Do you know if the homework is turned in?
 - e. Where does (child's name) complete homework? Do they have a set spot or are they more likely to pick a variety of spots?
 - f. Would you like to know about other sources to assist your child with homework? Are there any questions you have about things at school? (Ask this only if there are sources for assistance).
- 13. Next are questions about your family and culture. As you think about your family's cultural background and heritage (language, traditions), what would you like the school staff to know about (child's name) which might make a difference in the assessment of their learning and/or behavior.
- 14. Do you feel comfortable in communicating with the school? What is the best way (phone, written, face to face) for you to communicate with the school and the school to communicate with you? Do you feel the staff listen to your concerns?

Important: Ask all families the following questions, not just those from observably different cultures.

- a. What do you feel your role is in helping (child's name) learn or helping with schoolwork?
- b. Often struggles at school are temporary and can be due to changes occurring in the child's life at school or at home. The school team will look into any changes that have occurred during the school day. (State any findings from the school portion.) Are there any changes that are occurring in the home/family at this time? (The school also needs to look at the possibility of changes in the school that may contribute to the child's struggles.)
- c. What else would you like us to know about your child that may help us help him/her in school?

d. What do you want the school to know about your family's culture and customs?

Resource Tool: Sample Forms for Documenting Problem Identification

Important: Below are example forms for documenting reading and writing intervention information with parents, or for creating the written intervention plan.

Sample1: Student Reading Intervention Record

Student Name	Teacher and Grade	Date			
Background Information					
Home and Community					
School Background Information (attended)	ance, health screenings, etc.)				
Reading History and Assessment Data	(please attach assessment details)				
Phonics Survey Spelling Assessment					
Test of Phonemic Awareness Informal Reading Inventory					
Sound Identification Vocabulary Inventory					
Oral Reading Assessment Writing Sample					
Listening Assessment Running Record					
 Word Recognition/Analysis 	Word Recognition/Analysis Observational Notes				
Silent Reading Assessment	Silent Reading Assessment				
Notes:					
Independent Reading Level	Instructional Reading Level				
State Assessment Information	Normed Assessment Information				
Areas of Strength	Areas of Interest				
	Emotional response to instruction/sense of self-efficacy with task				

Intervention Plans (Tiers of implementations, programs, strategies, etc.)				
Progress Monitoring Plans (insert or attach graph of student data, observations, timelines, expectations)				
Match or Mismatch with Present Instructional Context				
Matching Areas:				
Areas of Mismatch:				
Address the following: "What might achieve a closer instructional match?"				
How will intervention address motivational self-efficacy?				
Staffing Summary				
Parent Summary (including communication, dates for meetings, record of dates connected, etc.)				
Additional Information				

Sample 2: Student Reading Intervention Record Form from St. Croix River Education Team

CUMULATIVE FOLDER REVIEW						
HEALTH INFORMATION PREVIOUS SCHOOLS/SERVICES						
Vision Concern	Pre-Referral Interventions – Dates:					
Hearing Concern		1				
ADHD		. Title 1 – Dates:				
Asthma		. SPED Eval / Services – Dates: Out of Team – Dates:				
Other Diagnosis:		-		s:		
Other Diagnosis.		-				
			scrioolea -	– Dates:		
		. Other				
		Grades				
			ELEN	MENTARY:		SECONDARY:
ATTENDAN			Math	Readin	Writing	GPA:
# Days Absent Last Yea # Days Absent Current \	r: /ear:	Above		g		
Other Concerns:	- Cur	Meets				Credits Earned:
		Below Other Co	ncorne:			
		Other Concerns:				
	INT	ΓERVIEW	SUMMA	RY		
	Parent		STUD	ENT		TEACHER
DATE:						
TYPE OF INTERVIEW:						
	ATTACH C	OMPLET	ED INTER	VIEW NOT	ES	
	CLAS	SROOM	OBSERV	ATION		
DATE:				Y:		
TYPE: Interval Frequency		_ Latency _ Other: _ Duration				
ATTACH COMPLETED OBSERVATION FORM(S)						
TESTING RECORDS						
ATTACH COMPLETED WEB PORTAL STUDENT TEST DATA SUMMARY (Ensure that all available GOM, MAP, MCA and BST data are reported. Locate and add any missing data).						

PROBLEM IDENTIFICATION SUMMARY – C1				
Team met to review these data on:		Prioritized area of concern:		
Discrepancy statement:				
List at least two sources of convergent data that support this discrepancy: Baseline data are plotted on the attached graph				
Disposition:	Level 1 Grade Level Team	Level 2: Consultation from Support Staff		
	Level 3: Problem-solving Team	Level 4: S	pecial Education Consult	
Team member responsible for follow-up:				

Problem-Solving Protocol Step 3: Implement a Plan

Once the problem has been adequately identified and parents are informed there should be ample evidence to provide a good match between intervention and student need. The following resource tool should help guide the selection of the intervention that is most appropriate for the student.



Resource Tool: Guiding Questions for Selecting the Most Appropriate Intervention

- 1. What is the data suggesting?
 - Will the student's needs be adequately addressed within the core-curriculum with further differentiation?
 - What variables (instruction, curriculum, or environment) or accommodations can be made within the core-curriculum to allow the student continued benefit from core instruction?

The process may be derailed if:

 Non-instructional accommodations are used, such as preferential seating, extended time, etc.
 Accommodations do not systematically improve acquisition of skills and are not interventions. Teacher efficacy and lack of commitment to intervention is a field-wide concern.

- The primary instructor is not committed to the belief that intervention will be effective in addressing the student's needs.
- The student is not motivated to perform within the intervention or core curriculum.

- 2. If targeted intervention supports are needed, which level of support is warranted?
 - Given the size of the gap between the student's performance and the desired skill level, what will it take to accelerate student learning to reach the performance goal?
 - What is the magnitude of problem that needs to be solved? Staff should refer to team guidelines for selecting the intensity of intervention.
 - What intervention is most appropriate to meet needs indicated by the data?
 - Will the intervention provide support that is proportional to the extent the student is behind?
 - Is the intervention rigorous enough to resolve the learning issue? The
 process may be undermined if interventions are not delivered within the
 designed time or when they are not powerful enough to address the
 problem.

As previously discussed in the section Building Systems of SRBI, the dimensions that teams may use to differentiate levels of support include:

- Duration of intervention (weeks).
- Frequency of intervention (daily or weekly).
- Amount of minutes provided per session, research recommends 15 minutes per every 13 percentile points below the 50th percentile on standardized measures of achievement (Fielding, L. Kerr, N. Rosier, P., 2007).
- Size of instructional group (1:1, 2:3, 3:5, etc.).
- Specificity and focus of instructional goals (one skill or comprehensive instruction in key areas).
- Proportion of intervention where students receive direct instruction from the teacher:
 - o Number of opportunities to respond.
 - Immediacy of corrective feedback.

Note: Team decision rules may provide flexibility in allowing for immediate placement of a student in tertiary intervention supports. However, an exceedingly large gap does not necessarily suggest the need to evaluate for special education is urgent. Additional factors as to why the learning problem exists will need to be considered to make a determination of urgency.

Writing an Intervention Plan

Documentation is critical if special education evaluation teams are to be able to use data from SRBI in the eligibility determination process. Collect both qualitative and quantitative evidence that proves the student's lack of performance is not attributable to inadequate instruction. Collect this data throughout an intervention regardless of whether a school uses a system of SRBI or implements interventions prior to a referral. Regular evaluation of evidence is necessary with any new information integrated into what is known about the student's learning progress.

Include the information below in a written intervention plan:

- Hypothesis of area and/or underlying cause of poor achievement/performance.
- Description of intervention or instructional strategy and identification of provider.
- Description of when, where, and frequency intervention is to take place.
- Description of progress monitoring data to be collected and means of collection/ tools to be used.
- Identification of individual collecting data.
- Performance goals or targets and decision rules regarding growth across intervention.
- Start date and date of data review.

Teams should also discuss conditions for continuing the intervention when it is working and when it is not working. Adequate progress after an appropriate period is not defined within the federal regulations for the following reason:

"The Federal Department of Education felt the meaning will vary depending on the specific circumstances in each case. There may be legitimate reasons for varying timeframes to seek parental consent for evaluation; however, they also believe that teams will know if an intervention is not working in less than 90 days. In general, it is not acceptable for an LEA to wait several months to conduct an evaluation or seek parental consent for an initial evaluation. If, through monitoring efforts, the state determines there is a pattern or practices of delaying evaluations, it could raise questions as to whether the LEA is within compliance."

--OSEP guidance January 1, 2007

Sample Written Intervention Form from St. Croix River Education Team

Note: Intended as guidance only.

Student:		_ Plan Developm	ent Date:
Area of Concern:	1 2 3 Reading Mat	th Writing	Behavior
Goal:			
		INTERVENTION	<u> </u>
Brief Description:			
Description of Needed Materials:			
Intervention Implementer:			
When:			
Where:			
How Often:			
Training to take place:			
piace.	MFΔ	SUREMENT SY	STEM
Data Collection	IVILA	OOKEMENT OF	01EIII
System:			
Data Collector:			
What Will Be Recorded?			
Frequency of Data Collection:			
When will Data be Collected?			
DECISION MAKING RULE			
Slope / Trend Analysis Consecutive Data Point Rule Level of Performance Other:			
Intervention Start D)ate:		
Review Date:		Time:	Place:

Note: See your team's requirements for formatting and writing style.

Next Steps

This chapter discussed how to match interventions to address student needs. Processes for determining the appropriate level to address the learning problem as well as several resource tools were included. A discussion of quality practices revealed how teams should consider multiple variables when developing intervention plans.

The next chapter will discuss what happens when interventions are in place, step three and four of a problem-solving protocol. Once interventions are in place, teams must monitor progress to ensure that they are being implemented with fidelity and that the student is responding to the added instruction.

The following assessment process flow-chart indicates the next steps for using the data. Teams should document each step as students move through the pre-referral or system of SRBI process to maximize efficiency.

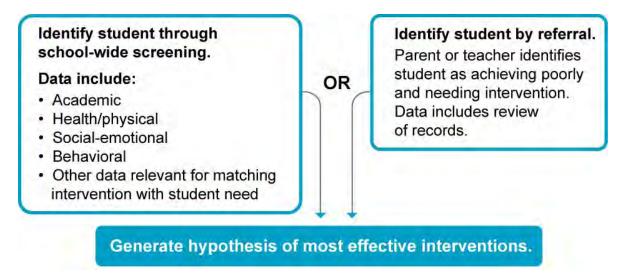


Figure 4-8. Assessment Flow

To assist teams using data from interventions or SRBI, the table below includes a set of guiding questions aligned with legal requirements for determining eligibility. These questions will build from one chapter to show how existing data can be used to inform the next step in intervention as well as to individualize the design of a comprehensive evaluation should one be warranted. If not already in process, the data from each step in the assessment process should be integrated into the guiding questions template. Data may include screening, record reviews, curriculum reviews, error analysis, teacher interviews and documentation, observation and parent interviews.

Table 4-5

Template for Integrating Data into SRBI Selection

Guiding Question	Existing Data	Information needed
How has the team determined the student has had sufficient access to high-quality instruction and the opportunity to perform within grade-level standards?		
What supplemental efforts, aligned with grade-level standards, were implemented to accelerate the student's rate of learning and level of performance?		

Resources

- Fielding, L. Kerr, N. Rosier, P.,(2007). *Annual Growth For All Students, Catch-up Growth for Those Who Are Behind*. Kennewick, WA: New Foundation Press.
- Fuchs, D. Mock, D. Morgan, P, & Young, C. (2003). Responsiveness to intervention: definitions, evidence, and implications for the learning disabilities construct. *Learning Disabilities Research to Practice*, 18(3), 157-171.
- Geary, C. (1999). *Mathematical Disabilities: What We Know and Don't Know*. **Retrieved from**: www.ldonline.org/article/5881
- Haring, N. G., & Eaton, M. D. (1978). Systematic instructional procedures: An instructional hierarchy. In N. G. Haring, T. C. Lovitt, M. D. Eaton, & C. L. Hansen (Eds.) *The fourth R: Research in the classroom* (pp. 23-40). Columbus, OH: Charles E. Merrill.
- Jimerson, S. Burns, M. & VanDerHeyden, A. (2007). *Handbook of Response to Intervention: The science and practice of assessment and intervention.* New York: Springer Science & Business Media LLC.
- Mellard, D.F. & Johnson, E.S. (2008) *RTI: A Practitioner's Guide to Implementing Response to Intervention*. Thousand Oaks, CA: Corwin Press.
- Mellard, McKnight & Jordan, in press

Appendix

Step 1.

Checklist to Determine if an Intervention is Research-based

Adapted from Identifying and Implementing Educational Practices Supported by Rigorous Evidence: A User Friendly Guide. U.S. Department of Education Institute of Education Sciences National Center for Education Evaluation and Regional Assistance (2003).

Is the intervention supported by scientific research?

m	Quality of the evidence: Ideally randomized controlled trials that are well-designed and mplemented. The following are key items to look for in assessing whether a trial is well-designed and implemented.			
1.		items to look for in the study's description of the intervention and the random gnment process:		
		The study should clearly describe the intervention, including: (i) who administered it, who received it, and what it cost; (ii) how the intervention differed from what the control group received; and (iii) the logic of how the intervention is supposed to affect outcomes.		
		Be alert to any indication that the random assignment process may have been compromised.		
2.	the i	study should provide data showing that no systematic differences exist between intervention and control groups prior to the intervention. Key items to look for in the ly's collection of outcome data:		
		The study should use outcome measures that are "valid" (i.e., that accurately measure the true outcomes that the intervention is designed to affect).		
		The percent of study participants lost when collecting outcome data should be small, and should not differ between the intervention and control groups.		
		The study should collect and report outcome data even for those members of the intervention group who do not participate in or complete the intervention.		
		The study should preferably obtain data on long-term outcomes of the intervention, so that you can judge whether the intervention's effects were sustained over time.		
3.	Key	items to look for in the study's reporting of results:		
		If the study makes a claim that the intervention is effective, it should report the size of the effect and statistical tests showing the effect is unlikely to be the result of chance.		

		A study's claim that the intervention's effect on a subgroup (e.g., Hispanic students) is different from its effect on the overall population in the study should be treated with caution.
		The study should report the intervention's effects on all the outcomes that the study measured, not just those for which there is a positive effect.
4. Qu	ıar	ntity of evidence
		The intervention should be demonstrated effective, through well-designed randomized controlled trials, in more than one site of implementation.
		These sites should be typical school or community settings, such as public school classrooms taught by regular teachers.
[The trials should demonstrate the intervention's effectiveness in school settings similar to yours, before you can be confident it will work in your schools/classrooms.
	Ste	If the intervention is not supported by "strong" evidence, is it nevertheless supported by "possible" evidence of effectiveness?
[This is a judgment call that depends, for example, on the extent of the flaws in the randomized trials of the intervention and the quality of any nonrandomized studies that have been done. The following are a few factors to consider in making these judgments.
1. C	irc	umstances in which a comparison-group study can constitute "possible" evidence:
		The study's intervention and comparison groups should be very closely matched in academic achievement levels, demographics, and other characteristics prior to the intervention.
		The comparison group should not be comprised of individuals who had the option to participate in the intervention but declined.
		The study should preferably choose the intervention/comparison groups and outcome measures "prospectively" (i.e., <i>before</i> the intervention is administered).
[The study should meet the checklist items listed above for a well-designed randomized controlled trial (other than the item concerning the random assignment process). That is, the study should use valid outcome measures, report tests for statistical significance, etc.
2. S	tuc	dies that do not meet the threshold for "possible" evidence of effectiveness include:
•	1.	Pre-post studies (Identifying and Implementing Educational Practices Supported by Rigorous Evidence: A User Friendly Guide, p. 2).

Minnesota Department of Education

well matched.

2. Comparison-group studies in which the intervention and comparison groups are not

3. "Meta-analyses" that combine the results of individual studies, which by themselves do not meet the threshold for "possible" evidence (ibid., p. 13).

Step 3.

If the intervention is backed by neither "strong" nor "possible" evidence, one may conclude that it is not supported by meaningful evidence of effectiveness.

5. Repeated Assessment and Progress Monitoring

Contents of this Chapter

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Chapter Overview

This chapter provides quality practices to help teams monitor student progress, including the quantity of data to collect, how to analyze the data, and guidelines to determine when to adjust or change an intervention.

Teams, including the parents, will read about a few progress monitoring practices that meet rule requirements. This is followed by an examination of both Curriculum-Based Measurement and formative measures used to monitor progress. Next is a discussion of effective progress monitoring tools, including guidelines, a discussion on sensitivity and frequency, issues and resources related to monitoring of English Language Learner (ELL) students and the monitoring of fidelity. This chapter explains the indicators to use when specifying decision-making rules for determining responsiveness. An examination of monitoring errors and evaluating monitoring efforts follows.

Regulations and Rules

Minnesota Statutes section 125A.56 subd. 1(a) states that before a pupil is referred for a special education evaluation, the district must conduct and document at least two instructional strategies, alternatives, or interventions. The pupil's teacher must document the results.

According to the National Center for Student Progress Monitoring, progress monitoring is a scientifically-based practice that assesses the academic performance of individuals or an entire class and evaluates the effectiveness of instruction. See the Toolkit on the OSEP Website, Teaching and Assessing Students with Disabilities.

If a school is using state funds to provide
Early Intervening Services (EIS), schools must provide interim assessments that
measure pupils' performance three times per year and implement progress
monitoring appropriate to the pupil.

In the Specific Learning Disabilities (SLD) Manual, *progress monitoring* refers to the frequent and continuous measurement of a student's performance that includes these three interim assessments and other student assessments during the school year. A school, at its discretion, may allow students in grades 9 - 12 to participate in interim assessments.

Minnesota Rule 3525.1341 Subp 2(D) states that progress data collected from the system of SRBI meet the criteria that the child demonstrates an inadequate *rate of progress*. Rate of progress is measured over time through progress monitoring while using intensive systems of SRBI, which may be used prior to a referral, or as part of an evaluation for special education.

A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress. Rate of progress is inadequate when the child's:

- 1. Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
- 2. Progress will likely not be maintained when instructional supports are removed;
- 3. Level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
- 4. Level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.

Minnesota Rule 3525.1341 Subp 3(B) states that to determine eligibility, pre-referral intervention and system of SRBI documentation must use data from repeated formal assessments of the pupil's progress (achievement) at reasonable intervals during instruction. In addition, the Rule states that parents must receive the results.



Quality Practices

Progress monitoring is an essential component in the evaluation of an intervention. Progress monitoring procedures should be applied in systems of SRBI as well as traditional pre-referral systems.

Screening measures help predict future performance, progress monitoring measures show how the student is responding to instruction.

Progress monitoring measures depict student's current level of performance and growth over time. Measures

may relate to the curriculum when they assess a particular skill, however, they do not always represent all of the curriculum or skills taught within the intervention.

For example, oral reading fluency is a progress monitoring measure often used to assess if a student improves his decoding skills and/or reading fluency. Oral reading fluency has been proven effective for indicating growth in decoding skills even when reading fluency is not explicitly taught. For more on the scientific research-base on progress monitoring, see the Toolkit on Teaching and Assessing Students with Disabilities posted on the OSEP Ideas that Work Website.

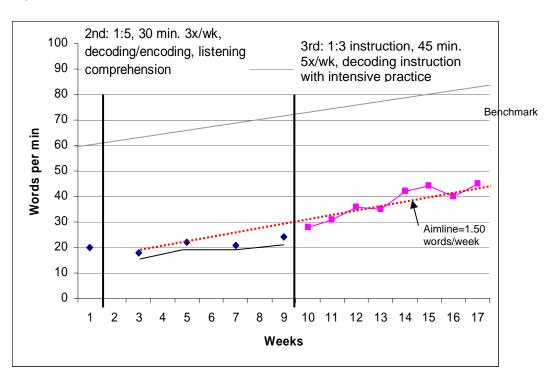


Illustrative Example

Even though her instruction focuses on improving accuracy and automaticity of decoding skills, the teacher administers an oral reading fluency measure each Wednesday. The measure counts the words read correct per minute.

The teacher marks the student's baseline score on a graph and then administers the intervention for four weeks graphing the student's median words read correct per minute from three one-minute probes. She provides small group intervention and continues to mark performance on the graph. According to the decision rules outlined in the district's Total Special Education System (TSES) plan, the teacher reviews or modifies the intervention if four out of six consecutive data points falls below the aim line. The teacher changes the intervention and clearly shows on the graph that instruction has been modified.

She implements the modified intervention and repeats the data collection process. The student responds to the intervention, and the intervention is continued until benchmark expectations are reached. In this case, the aim line would be adjusted each cycle of intervention until the benchmark is achieved. Since the student is responding to the intervention, the student is not referred for a special education evaluation.



The graph below depicts the data in this illustrative example.

Figure 5-1. Analysis of Data Collected to Monitor Progress

Appropriate Progress Monitoring Practices

The following chart illustrates example progress monitoring (PM) practices that would meet rule requirements.

Important: The screening measures below serve as illustrative examples for districts. Although many of the measures have been reviewed by the National Center for Student Progress Monitoring, **examples are not endorsed by the Minnesota Department of Education and are subject to change.**

Table 5-1

Appropriate and Inappropriate PM Practices

Note: The practices indicated with a ★ may become adequate progress monitoring measures with standardization and further evaluation for validity and reliability.

Component of Rule	Appropriate PM Practices	Inappropriate PM Practices
"Progress monitoring" means the frequent and continuous measurement of a pupil's performance that includes these three interim assessments and other pupil assessments during the school year.	Use of the following achievement measures on a weekly or bi-weekly basis: Curriculum-Based Measures (CBMs) such as AIMSweb probes, Dynamic Indicators of Basic Early Literacy Skills (DIBELS), etc. OR District created standards-based formative assessments that can be administered as interim assessments with alternate forms allowing for weekly progress monitoring.	Use of the following achievement measures: • MCAIIs • Measures of Academic Progress • Standardized tests with two alternate forms that can be used only every 6-8 weeks (e.g., Key Math) ★ Informal Reading Inventories ★ Running Records • End of unit tests
A minimum of 12 data points are collected from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress; interventions are implemented as intended	Changing the intervention according to pre-determined decision rules as outlined in the district plan. Implementing the intervention as designed so the student receives the proper dose and frequency, improving confidence that the data reflects student's actual response to instruction. Noting changes to instruction on progress monitoring graph. Noting the amount of time the student participated in intervention within the graph showing student progress.	Gathering the minimum number of data points without modifying or changing the intervention. Inconsistent collection of data. Judgment of progress monitoring data when intervention is not implemented or implemented well. Using progress monitoring probes that have not been evaluated for technical adequacy or practices standardized.
Data-based from repeated assessments and collected at reasonable intervals.	Weekly administration of progress monitoring probes is recommended. Collecting progress monitoring data using parallel forms on a consistent basis reduces measurement error.	Using standardized measures designed as pre-post tests for progress monitoring.

Component of Rule	Appropriate PM Practices	Inappropriate PM Practices	
Reflects formal assessment of the child's progress during instruction.	Progress monitoring measures are technically adequate, administered and scored according to standardized procedures, and of equivalent	Using probes inappropriate for the age or stage of skill development.	
	difficulty.	Using measures of mastery or proficiency that have not	
	Progress monitoring data is collected on the instructionally appropriate skill.	been proven technically adequate or appropriate for age or grade-level state standards.	
	Data is used formatively. Ideally the teacher and student review the progress graph collaboratively each time data is collected.	Progress monitoring measures are not used in making instructional decisions.	
	The teacher changes instruction or intervention according to decision rules. The student sets goals for performance and self-rewards when goals are achieved.	Parents are not informed of progress monitoring data on regular basis (which may be determined prior to beginning the intervention).	
	Parents are provided graphs of progress monitoring data on a regular basis and particularly when the data indicates a modification or change in instruction is necessary.		



Progress Monitoring Measures

Progress monitoring provides:

- Teachers with feedback on how the student is responding to instruction and is useful in assisting the teacher in making data-based instructional decisions.
- Documentation of inadequate response when high quality instruction and interventions are in place. This documentation may be used to assist in identifying students likely to have a specific learning disability.

Important: Given that progress monitoring practices are still evolving, the SLD Manual does not attempt to provide a definitive list of what counts as progress monitoring measures. The practices described throughout this chapter are subject to change with additional research and innovation.

Curriculum Based Measurement (CBM) — Also known as General Outcome Measures (GOM) when the measures are disconnected from a specific curriculum — is one type of measure commonly referenced in the research literature that meets the above functions. CBM is the approach to progress monitoring for which the vast majority of research has been conducted. CBMs have well documented reliability, validity, sensitivity and utility for making instructional decisions, especially the oral reading fluency measure in the area of reading.

CBM differs from most approaches to classroom assessment in two important ways (Fuchs & Deno, 1991):

- The measured behaviors and corresponding procedures of CBM are prescribed since CBM is standardized and have been shown to be reliable and valid. While not a requirement, behaviors measured with CBMs may be linked with the curriculum; however, they must be predictive of future performance and sensitive to small changes over time.
- 2. Each weekly test is of equivalent difficulty and indicates that the student is increasing acquisition or fluency of skills.

Although construction of CBMs may match behaviors taught within the grade-level curriculum, using CBMs not linked with the curriculum (called GOM) may be an advantage since they are effective for monitoring progress toward overall academic outcomes over longer periods (e.g., months or years) while also displaying changes in student growth. Their sensitivity allows weekly or biweekly administration, and when used formatively. Use of GOM allows teams to make instructional decisions over a shorter period (for additional information see training modules on the National Center for Response to Intervention).

Standards aligned short-cycle assessments, which are linked with state standards and end-of-course proficiency exams, are an alternate to CBMs. Districts may design technically adequate weekly probes that measure progress towards proficiency on end-of-course exams from short-cycle assessments. While rule may allow these measures, districts must determine if this approach to progress monitoring is viable. Additional limitations of these assessments include, for example, changing skills across shorter periods of time, which makes them less functional for use across multiple grades.

Mastery measures, for example, those that assess all skills on end-of-unit tests or criterion-referenced tests, are not progress monitoring measures. Mastery measurement typically involves changing the measurement material over time, i.e., as students demonstrate "mastery" on one set of skills they move to the next set of skills. Measurements then assess student progress toward mastery of the next set of short-term objectives.

Mastery measurement has limitations for monitoring progress over longer periods; however, sub-skill mastery data and progress toward general outcomes can be used together to provide a more in-depth picture of a student's growth over short periods.

Reasons for limitation of mastery measurement for monitoring progress over longer periods include:

- The lack of assessment of retention and generalization of skills.
- The measurement materials change.
- The different difficulty levels of various subskills. (Deno, S.L., Fuchs, L., Marston, D., & Shin, J. (2001))

Measurements for repeated administration to monitor progress toward general outcomes, rather than mastery "sub-skill" progress are preferred since the measurement material remains constant. They are also more useful across longer periods of time and across different interventions and programs.

Because new measurement tools continue to evolve, current research and reviews for particular academic areas, ages and populations are important to follow. <u>See the</u> federally funded National Center for Progress Monitoring for the most recent information.

Effective Progress Monitoring Tools

Measures that are sufficient to monitor progress should meet the following criteria:

- · Reliable and valid.
- · Quick and easy to use.
- Sensitive to small increments of student improvement.
- Available with multiple alternate forms.
- Proven. Evidence shows that they lead to improved teacher planning and student learning.

Guidelines

The federally funded National Center on Response to Intervention (NCRI) has developed guidelines for evaluating progress monitoring measures that incorporate the following characteristics, shown in the table on the following page. See the NCRI Website for these and other guidelines for setting benchmarks and rates of improvement that are critical for interpreting progress monitoring data.

Table 5-2

National Center on Response to Intervention's: Suggested Guidelines for Evaluating Progress Monitoring Measures

Criteria	Necessary Components for Technical Adequacy
Reliability.	Essential.
Validity.	Essential.
Sufficient number of alternate forms of equal difficulty.	Essential.
Evidence of sensitivity to intervention effects.	Essential.
Benchmarks of adequate progress and goal setting.	Desired. If not available, district must define or use research and correlate with local findings.
Rates of improvement are specified.	Desired. If not available, district must define or use research and correlate with local findings.
Evidence of Impact on teacher decision-making.	Desired for formative evaluation.
Evidence of improved instruction and student achievement.	Ideal.

Sensitivity and Frequency

Progress monitoring tools should be sensitive enough for bi-weekly or weekly use, and result in noticeable and reliable changes in student performance. For example, oral reading fluency measures allow for detection of increases in scores of a half a word or more per week.

Tools for progress monitoring in the area of written expression tend to be less technically adequate and less sensitive to growth over short periods, making formative decision making and documentation of growth much more difficult. For example, CBMs of written expression can show growth over longer periods, such as months or semesters, but generally are not sensitive to improvement on a weekly basis.

Schools wishing to monitor progress in written expression are encouraged to find the best possible measures and use data decision rules appropriate to the sensitivity of any chosen instruments.

Important: The trend or slope of progress, not an individual data point, are the basis of progress monitoring decisions due to variability or "bounce" in student data and the need to show a pattern of scores over time. See Determining Responsiveness in this chapter.

Sensitive measures that allow for more frequent progress monitoring permit teams to gather data to meet criteria to determine SLD eligibility in a reasonable timeframe. For example, oral reading fluency of words read correct per minute are very sensitive to changes in performance over the course of a week; however, *MAZE replacements* are sensitive to change over a period of months. Interventions that rely on MAZE replacements for progress monitoring may not yield, within a reasonable time, the volume of data necessary for use in eligibility determination.



Districts should use the same benchmarks and progress monitoring measures throughout special education service delivery. Maintaining consistency in measures provides a continuous base of student progress, which increases the likelihood that educators and parents understand how a student is progressing. For example, Mark, who was identified as SLD with significant lack of achievement in reading, receives special education services in the area of decoding. The teacher continues to use oral reading fluency measures at Mark's instructional level. Three times per year Mark participates in grade-level benchmarks. Mark, his teacher, and parents are able to see progress both at Mark's instructional level as well as compared with peers.

Progress Monitoring of English Language Learners (ELLs)

Progress monitoring is especially important when making educational decisions for ELLs. Since most learn basic skills in reading, writing and math as they acquire English, ELLs may experience low achievement for several years. They must make more progress per year than non-ELLs in order to "catch up."

Monitor progress regularly to ensure that instruction is effective for individual students. Additionally, examine rate of progress over time to help determine which ELLs need additional support through special education services. Effective progress monitoring tools provide data on how typical ELLs progress so that comparisons of a student's individual progress can be made to cultural, linguistic and educational peers.

An increasing number of studies have explored the use of CBMs for measuring the progress of ELLs. Evidence shows that the levels of reliability and validity for CBM procedures with ELL students are comparable to those of native speakers of English and that CBM is often effective to reliably predict student performance for ELLs.

Research has demonstrated the potential utility of CBM and related procedures for ELLs in Grade 1. CBM is found to predict success rates on state assessments for middle school ELLs.

The apparent technical adequacy for CBM for use with ELLs has led urban school

districts to use CBM procedures to develop norms across reading, writing, and arithmetic to make progress evaluation decisions for ELL students. Technically adequate fluency procedures are very sensitive to growth and provide direct measures of the academic skill of concern.

References: Deno, 2006; Baker & Good, 1995; Baker, Plasencia-Peinado & Lezcano-Lytle, 1998; Fewster & MacMillan, 2002; Gersten, 2008; Graves, Plasencia-Peinado & Deno, 2005; Vanderwood, Linklater & Healy, 2008; Muyskens & Marston, 2002; Robinson, Larson & Watkins, 2002; Blatchley, 2008.

For more information, see Reducing Bias in Special Education on the MDE Website.

Resources for Developing Progress Monitoring Measures for Young Children

Important: The screening measures below serve as illustrative examples for districts. Although many of the measures have been reviewed by the National Center for Student Progress Monitoring, examples are not endorsed by the Minnesota Department of Education and are subject to change

- Early Childhood Outcomes Center University of North Carolina (http://www.fpg.unc.edu/~eco/crosswalks.cfm). Tools—instrument crosswalks.
- Individual Growth and Development Indicator (IDGI) is similar to DIBELS Complete IDGI's to monitor students not receiving specialized intervention, to identify students who might benefit from such interventions, and to monitor the effects of intervention.
- Early Literacy and Numeracy Curriculum Based Measures, such as DIBELS AIMSweb, Easy CBM, etc.

Monitoring of Fidelity

Schools must have a training and refresher training plan and process, which ensure that progress monitor administrators are adequately prepared to score and administer measures. Periodic use of administration checklists or observations provides reliability checks. Some publishers provide fidelity checklists for use with their tools.

Interpreting progress monitoring data requires knowledge of the fidelity of both interventions and data collection. Teams should be aware of sources of error in measurements that adversely impact student scores and complicate interpretation of progress monitoring data. Errors that may occur during progress monitoring include:

- Technically inadequate CBM probes. Probes coming from sources that lack documentation of technical adequacy should not be administered. For more information, view the Progress Monitoring: Study Group Content Module (http://www.progressmonitoring.net/RIPMProducts2.html). (Deno, S. Lembke, E. and Reschly, A.)
- Lack of standardization in administration and interpretation of probes (failure to use a timer, multiple probe administrators with poor inter-rater agreement).

- Poor environment during administrative sessions, such as progress monitoring in the hall or next to the gym.
- Lack of consistency in the administration of probes.

Districts must have procedures in place that reduce sources of error and remediate situations when data are compromised. Data that is of questionable accuracy should not be used as a primary source of evidence in eligibility determinations.

Important: If a student does not make progress and the fidelity of the intervention is unknown, then the student's lack of progress cannot be attributed to a lack of response to the instruction or to whether the instruction was appropriate.

Determining Responsiveness

In addition to selecting appropriate progress monitoring measures, schools should establish progress monitoring decision-making rules during planning before the intervention process begins. Districts also need systems to encourage the review and use of data. Scheduled reviews of progress monitoring data ensure their collection as well as the correct implementation of decision-making procedures.

Slope, Level and Shift

Districts may use a combination of the three indicators (slope, level, shift) when specifying decision rules for determining responsiveness.

Minnesota Rule 3525.1341 covers rate of improvement and level of performance. A slope of progress is created when each student's score is graphed against days on the calendar and a line of best fit is drawn through the scores. This slope or "trend line" represents weekly rate of improvement and is the rate at which the student makes progress toward competence in the grade-level curriculum.

Trend or slope refers to the student's rate of progress, and is typically drawn from 7 to 10 data points on a weekly data collection schedule. The teacher compares the trend or rate at which the student grows to the rate or goal set at the beginning of the year. That rate is represented on the graph by the slope of the long-range goal line.

If the student's data are above the goal line and the trend line is parallel to or steeper than the goal line, then the teacher continues instruction as is. If the data are below the goal line, or the trend line is parallel to or less steep than the goal line, the teacher may choose to change instruction. Although districts can use slope calculations to assess improvement, staff and parents find it easier to interpret graphical representations of growth over time. See the illustrative example in the Quality Practices section above.

The following measurement considerations and suggestions are important according to Christ and colleagues (e.g., Christ, 2006; Christ & Coolong-Chaffin, 2007) when using slope data to make decisions:

- Use an ordinary least squares regression line.
- Understand the variability of slope estimates.
- source and rationale for the expected or acceptable slope of progress, and calculate and interpret the student's slope of progress in a research-based manner.

Use a research-based

• Use a confidence interval around the estimate of slope.

Improvements in technology make it increasingly more practical for districts to follow these suggestions when developing management and reporting decision-making procedures for progress monitoring data.

Level of performance refers to whether the student performs above or below the long-range goal that was set. A simple decision rule determines when to change instruction. For example, if a student's performance falls below the goal line on three consecutive data points when data are collected once per week, change instruction. If the data are above the goal line for six consecutive data points, raise the goal line.

Districts must use a combination of research estimates and district data to establish reasonable rates of growth and level of performance. Estimates of expected slopes of progress help set goals or standards for what is an "acceptable" amount of responsiveness.

Generate estimates from:

- Research-based samples of typical growth.
- Previous district or school-based evidence of student growth over time. See Stewart & Silberglit, 2008, for an example.
- Research-based estimates of the typical growth expected within a particular intervention or curriculum for a targeted population of students (see publisher of intervention or curriculum for details).

Judgment of the shift in data with the change in instruction is an additional aspect of determining responsiveness. Shift refers to the immediate effect seen for an intervention. The implication of a shift up of student data immediately after an intervention that continues for a number of days is that the intervention had an immediate and lasting effect. If the shift is downward, and the data stay down, it implies that the intervention must change.

Pre-established rules about what constitutes an adequate response will need to be established by district. Districts may choose to use slope of progress, level, and shift in their guidelines. Linking progress within a specified period in order to determine an "adequate response" may be difficult, but is necessary to inform instruction and determine the degree of effectiveness of intervention.

If teams choose not to follow the guidelines established by a district in making determinations of what to do with an intervention, they must clearly document their rationale and communicate this decision with parents. Districts should follow their approved Total Special Education System (TSES) plan as a guide when making

decisions about entitlement. A citation of non-compliance may be issued in instances where the data collected from a system of SRBI, as documented in the evaluation report, does not follow what is stated in the district TSES plan.

Monitoring Errors

Growth in the skill taught, known as the "corrects," is typically a primary desired outcome of monitoring progress and making instructional decisions as is low or decreasing level of errors, which correlates to increases in the desired or correct performance of the skill.

Students proficient in reading, writing, and math can perform related skills and do not make a high number of errors. Thus, monitor progress in both what the student is doing correctly *and* the number of errors made (e.g., number of words read correctly and number of errors per minute on a grade-level passage) particularly when introducing new skills or if the student has a history of making many errors.

Ultimately, a student with a high level of errors needs to show both a decrease in errors and an increased level of proficiency in the desired skill. In the short term, a decrease in errors can show the student is responding to instruction by improving overall accuracy. Use of data on both corrects and errors for instructional planning purposes help teachers and teams understand if student skill patterns, error types, or miscues could be used to inform instruction.

Use of error analysis is critical in determining:

- The most appropriate place to begin interventions or for matching interventions to student needs.
- If growth occurs when correct responses remain flat.
- If the intervention impacts the identified area of concern.

Running records or systematic tracking of errors and learning patterns can enhance data gathered from progress monitoring tools. For example, two students considered for secondary interventions receive the same score on measures of non-sense word fluency. See scores below:

Student A			Student B		
w ub d oj ik vus		₩ <u>u</u> b	<u>d o j</u>	<u>i k</u>	<u>V u s</u>

Figure 5-2.

Student A has broken the words into chunks indicating that he has some non-automatic blending skills. Student B is missing specific letter sounds and is not showing any blending skills. She must develop letter-sound correspondence and blending skills. These data indicate that while both students require more instruction in decoding and fluency skills, they may start an intervention in different skills or require differentiation within an intervention.

Fidelity of Intervention and Determining Responsiveness to Systems of SRBI

The term fidelity is synonymous with "treatment fidelity," "intervention fidelity," "fidelity of implementation," and others. Definitions include:

- The extent to which program components were implemented (Rezmovic, 1983).
- The extent to which teachers enact innovations in ways that either follow designer's intentions or the extent to which user's practice matched the developer's ideal (Loucks, 1983).
- The degree to which an intervention program is implemented as planned (Gresham et al. 2000).

Although it is tempting to reduce fidelity to answering the question: "Was the intervention implemented or not?" fidelity is multifaceted and should be treated thus.

Fidelity applies to implementation — both the content (how much) and the process (how well). Because one of the purposes of intervention is to improve academic or behavioral performance, the goal is to demonstrate that improvements are due to instruction. Failure to monitor whether interventions are implemented as intended is a threat to confidence when determining if the intervention lead to the student's change in performance.

Measuring fidelity in the intervention and data collection process provides the following key benefits:

- Guides revisions or improvements in overall practice through ongoing staff development.
- Helps to determine the feasibility of a particular intervention for the classroom or for system-wide implementation.
- Provides assistance in determining whether a program will result in successful achievement of the instructional objectives as well as whether the degree of implementation will affect outcomes.
- Yields information in understanding why interventions or systems succeed or fail as well as the degree to which variability in implementation can occur without adversely impacting instructional outcomes.

Some research camps argue that variation within practice and over the course of an intervention is inevitable [Goss, S. Noltemeyer, A. Devore, H. (2007)]. Others claim that the longer the intervention the greater the likelihood of drift in practice [Goss, S. Noltemeyer, A. Devore, H. (2007)].

Variation and drift will not harm fidelity as long as the research-based instructional components are not compromised. Teams should establish practices that adhere to the core components that are critical to improving performance as identified by the intervention developers, so that natural variations may occur without compromising the

intervention. Examples may include the opportunities for student response over strict adherence to a script.

Checking fidelity of a whole-school implementation, which entails the collaboration of an entire system, is more complex than checking fidelity for a single interventionist. Although fidelity issues for general implementation of the structure and routine within the whole-school program may exist, individual teachers may adapt materials and routines for their particular needs.

Teams must assess whether to deliver interventions as written in the intervention plan prior to modification of intervention or when a disability is suspected. Fidelity of implementation is a core feature and must be determined if a team is to effectively rule out inadequate instruction as a factor in the eligibility decision process.

Fidelity of implementation is a core feature and must be determined if a team is to effectively rule out inadequate instruction as a factor in the eligibility decision process.

If data indicate that implementation of intervention needs improvement, then adequately direct the staff person providing the intervention. If additional intervention with improved fidelity or exploration of additional solutions is not feasible, then interpret data used in the eligibility process with significant caution and validate them through other standardized measures where fidelity is maintained.

Important: Check fidelity of intervention on both a system-wide and individual level.

Evaluating Effective Implementation

Research supports the following methods to evaluate effective implementation:

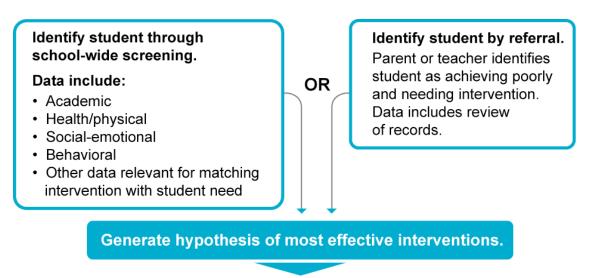
- **Modeling and rehearsing intervention**—A team practicing the intervention or rehearsing the components improves fidelity of intervention.
- Performance feedback for staff delivering intervention—Coaches observing implementation and providing feedback improves reflection on practice as well as higher rates of fidelity.
- Permanent products—Examining student work samples against instructional objectives can increase fidelity to intervention. Additionally, some studies find that regular exchange of notes between home and school improves fidelity as well as student outcomes.
- Direct observations—Videotaping and analysis by the practitioner providing the intervention or a coach improves fidelity. Observations conducted by a coach, peer or principal also prove to be effective. Observations may be intermittent or random.
- Self-report—Research requiring practitioners to conduct self-rating scales completion of interviews shows some increase in fidelity. Some research shows that when self-report is used simultaneously with field observation, self-report data indicate higher levels of fidelity than when observed. Teams may want to add additional checks on validity to account for bias.

• Standardized protocol for interventions or procedures—The intervention is more probable when an intervention manual is in place that clearly defines the critical components of the intervention and articulates a theory. A manual should specify which structural components and processes are possible as well as acceptable ranges of fidelity. Higher specificity leads to greater fidelity.

Next Steps

This chapter examined quality practices in monitoring student progress. Teams have many decisions to make regarding how much data to collect, how to analyze the data, and guidelines for determining when an intervention needs to be adjusted or changed.

The following assessment process figure indicates the next step for using the data. Teams should document each step as students move through the pre-referral or system of SRBI process.



Gather progress monitoring data, consider exclusionary factors and summarize what is known from interventions.

Figure 5-3: Assessment Process

If not already in process, the data from each step in the assessment process should be integrated into the guiding questions template. Data may include screening, record reviews, teacher interviews and documentation, intervention, progress monitoring, observation, and parent interviews.

Table 5-2

Guiding Questions and Data and Information Needed

Guiding Question	Existing Data	Information Needed
How has the team determined the student has had sufficient access to high quality instruction and the opportunity to perform within grade-level standards?		
What supplemental efforts aligned with grade-level standards, were implemented to accelerate the student's rate of learning and level of performance?		
What educational achievement/performance continues to be below grade-level expectations?		
How is the student functionally limited from making progress towards grade-level standards?		

References

- Fuchs, Hamlett, Walz, & German, 1993. Previous District or School-based Evidence of Student Growth Over Time: Best Practices. V NASP Stewart & Silberglit, 2008), or research-based estimates of the typical growth expected within a particular intervention or curriculum.
- Deno, S.L., Fuchs, L., Marston, D., & Shin, J. (2001). Using Curriculum-based Measurements to Establish Growth Standards for Students with Learning Disabilities. *School Psychology Review* 30 (4), 507-525.
- Gresham, F.M., MacMillan, D., Beebe-Frankenberger, M. & Bocian, K. (2000).

 Treatment Fidelity in Learning Disabilities Intervention Research: Do we really know how treatments are implemented? *Learning Disabilities Research & Practice*, 15, 198-205.
- Goss, S., Noltemeyer, A., & Devore, H. (2007). Treatment Fidelity: A Necessary Component of Response to Intervention. *The School Psychology Practice Forum*, 34-38.
- Hasbruck, J.P, Tindal, G., & Parker, R. (1991). Countable Indices of Writing Quality; Their Suitability for Screening-Eligibility Decisions. *Exceptionality*, 2 (1) 1-17.
- Jones, K., Wickstrom, K. &, Friman, P. (1997). The effects of observational feedback on treatment fidelity in school based consultation. School Psychology Quarterly, 12, 316-326.
- Noell, G., Witt, J. Gilberton, D., Ranier, D. & Freeland, J. (1997). Increasing teacher intervention implementation in general education settings through consultation and performance feedback. *School Psychology Quarterly* 12, 77-88.
- Lane, K. & Bebee-Frankenberger, M. (2004). School-based interventions: The tools you'll need to succeed. Boston: Pearson.
- Sanetti, L.H. & Kratochwill, T. (2005). Treatment Fidelity assessment within a problem solving model. In Brown & Chidsey (Ed.) Assessment for Intervention a problem solving approach (pp. 304-325). New York: Guilford Press.
- Deno S., Lembke E., & Reschly, A., Retrieved from: <u>Progress Monitoring: Study Group Content Module (http://www.progressmonitoring.net/pdf/cbmMOD1.pdf)</u>.

References for Interventions and Modifications for Young Children

Note: For free sources of research-based interventions, see Florida Center for Reading Research and Intervention Central.

Adams, M.J. (1990). *Beginning to read: Thinking and learning about print*. Cambridge: MIT Press.

Adams, M.J., Foorman, B.R., Lundberg, I., & Beeler, T. (1998, Spring/Summer). The elusive phoneme: Why phonemic awareness is so important and how to help children develop it. *American Educator*, 22; 18-29.

Gillon, G.T. (2004). *Phonological awareness: From research to practice*. New York: Guilford Press.

Johnston, S., McDonnell, A., & Hawken, L. (2008). Enhancing Outcomes in Early Literacy for Young Children with Disabilities: Strategies for Success. *Intervention School and Clinic.* 43(4), 210-17. Thousand Oaks, CA: Sage Publications.

Justice, L. & Kaderavek, J. (2004). Embedded-explicit emergent literacy intervention II: Goal selection and implementation in the early childhood classroom. *Language Speech & Hearing Services in Schools*, 35(3), 212-228.

Kaderavek, J. & Justice, L. (2004). Embedded-explicit emergent literacy intervention I: Background and description of approach. *Language Speech & Hearing Services in Schools*, 35(3), 201-211.

Liberman, I. Y., Shankweiler, D., & Liberman, A. M. (1989). The alphabetic principle and learning to read. In D. Shankweiler & I. Y. Liberman (Eds.), *Phonology and Reading Disability: Solving the Reading Puzzle*, (pp. 1-33). Ann Arbor: University of Michigan Press.

Neuman, S., Copple, C. & Bredekamp, S. (2000). *Learning to read and write:*Developmentally appropriate practices for young children. Washington, D.C: NAEYC.

Torgesen, J.K., & Mathes, P. (2000). A Basic Guide to Understanding, Assessing, and Teaching Phonological Awareness. Austin, TX: PRO-ED.

6. Modifying Interventions

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Chapter Overview

This chapter will assist teams, including the parents, review the efficacy of the intervention and deduce the next step in intervention planning. Many resources and tools are provided for reviewing data, including intervention questions, a matrix for documenting sources of data used in analyzing instruction, curriculum, environment, and learner (*ICEL*) domains and an example problem solving form. Discussions with resources for gathering additional data from parents and gathering data through observations are also included. The chapter also provides specific guidance on strengthening interventions, selection of tertiary interventions, intervention cycling and issues related to information processing. For those who are interested in addressing potential information processing concerns in tertiary intervention, the chapter provides guidance on planning interventions, with particular attention to structuring observations to identify information processing issues, i.e., listening comprehension and oral expression.



Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance and are provided below to help readers understand the requirements of law.

The Code of Federal Regulations, title 34, section 300.308 requires that the qualified professionals who determine if a child has a specific learning disability must:



a) Use observation data from routine classroom instruction and monitoring of performance that was done before the child was referred for a special education evaluation.

OR

b) Conduct an observation of academic performance in the regular classroom after the child is referred for a special education evaluation and appropriate parental consent is obtained.

AND

c) Document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning.

Minnesota Statutes section 125A.56 covers rules for Early Intervening Services, which require the following:

- A nondisabled pupil must participate in small group instruction in 60-day periods.
- During each 60-day period, teachers must examine the pupil's progress monitoring data to determine if progress was made.
- If progress was not made, teachers must change the intervention strategy or make a special education evaluation referral.

Minnesota Rule states that prior to evaluation, an observation of the child must occur in the pupil's learning environment, including the regular classroom setting. The documentation must report on the child's academic performance and behavior in the areas of difficulty. For a child not yet school age or schooled at a location other than a public school setting, a team member must observe the child in an age-appropriate environment.

Quality Practices in Problem Analysis and Data Analysis

The group determining how to modify an intervention, which may consist of the school psychologist, content coach, parents, and/or others, is responsible for communicating with teachers who track progress monitoring data.

If the data indicate that students are not making progress or if they fail to meet established growth goals outlined in the written intervention plan, the group should modify or redesign the intervention. Groups responsible for this decision should start by revisiting the existing intervention plan and description of the learning problem and expected outcome.

Repeating the problem solving protocol outlined in Chapter 4 will help in reviewing the efficacy of the previous intervention plan and determining the appropriate next step in intervention:

- 1. **Define the Problem (re-define).** At this stage defining the problem includes verifying that the intervention plan was implemented with fidelity as well as trigger a reexamination of the previous assumptions regarding what the learning problem is and why it is happening.
 - Clarify what is known about the student, his performance, and expectations.
 - Identify relevant information to help reformulate a hypothesis of what the learning problem is and strengthen the intervention.



- o Involve parents in reviewing data and drafting a new intervention plan. As parents gain greater understanding, they may contribute additional relevant information.
- 2. **Analyze the Problem (re-analyze):** Review existing and use relevant parent and observation data to further clarify the learning problem. Identify factors such as instruction, curriculum, and learner characteristics that may be altered to increase the likelihood that an intervention will be successful.
- 3. Implement the Plan: Modify, change or adjust and carry out the tertiary intervention as designed. Be sure that the frequency, duration and intensity of intervention is in proportion to the learning need. Depending on the urgency of the need, the decision to make a referral for comprehensive evaluation may be appropriate (individual district practices may vary). Interventions may continue to be carried out during a comprehensive evaluation.
- 4. **Evaluate the Plan:** Document changes to interventions and ongoing findings while implementing progress monitoring procedures.

Resources to Redefine the Learning Problem

When progress monitoring data indicate that an intervention is not effective, parents and school staff should re-analyze what is known about the learning problem. This analysis should focus on those variables within the instructional staff's control. These variables include instruction, curriculum, environment, as well as factors specific to the learner.



Illustrative Example

Sam, a second grader is supposed to receive 20 minutes of decoding and spelling intervention daily according to the written intervention plan. The progress monitoring data that his teacher collects indicates that he receives only 65 percent of the assigned intervention time. After an investigation, Sam's parents, Sam's teacher, and intervention delivery staff, discover that absenteeism, tardiness and school assemblies are responsible for curtailing Sam's intervention time.

The team then compares this data to the progress monitoring data on days when Sam received the full intervention. After analysis, the team determines that when Sam does receive the full intervention, it is effective. The team agrees to add supports to improve Sam's attendance as well as the integrity of the intervention time.

Resource Descriptions

Use the following resources to re-define and re-analyze a student's performance prior to redesigning interventions. The first resource includes three tools that help teams review and analyze relevant data, gather information from parents through questions and observations, and a template to document findings. These tools help to review relevant data and topics of discussion.

The second resource helps instructional staff integrate and analyze data in a manner that will help determine what is working while changing what isn't working. The third resource lists research-based practices for strengthening interventions.

Resource for Re-defining the Learning Problem

The following questions may help deepen teams' understanding of the student's needs leading to a more accurate identification of the learning problem.

Important: Implementation with fidelity leads the team to greater confidence that student progress is attributable to the intervention and not inconsistent or ineffective implementation. School-wide fidelity checks are more complex than those conducted for a single intervention delivery staff.

Although fidelity may exist in the structure and routine of school-wide programs, individual teachers may adapt materials and routines for their own needs. Therefore, fidelity checks must occur at the individual and system level. Determining if the student received the recommended dose and frequency of intervention is as important as establishing the frequency and dose to be administered. Analysis of minutes of intervention the student received should be part of judging the effectiveness of an intervention.

Table 6-1

Re-defining the Learning Problem

Question	Options for Collecting Data
Was intervention implemented as intended?	Check fidelity: Observe instruction in the intervention delivery setting.
How does the team know?	 Review progress monitoring data and compare with permanent products.
	 Follow up with teacher delivering intervention, interview instructional staff for: consistent implementation of intervention plan, attendance for intervention sessions, and additional insights.
What are the student's needs in the areas of instruction, curriculum, and environment?	 Review the description of the learning problem and what student is/is not doing that is problematic (look for learning issue, context under which issue occurs, compare performance with peers).
Was intervention well matched to the identified	 Conduct Instruction, Curriculum, Environment, Learner (ICEL) analysis.
needs? What if anything from the	 Analyze sequence of proficiency (Acquisition, Accuracy, Fluency, Generalization / Application).
previous intervention plan worked?	 Analyze responses for sequence, patterns, or consistencies and inconsistencies.
	 Observe student during instruction in multiple contexts. Identify when, why, and under what conditions to use skill/behavior.
What additions/changes	Conduct error analysis.
to instructional strategies, curriculum, or environment are needed to accelerate performance?	Draw upon research to intensify or strengthen interventions.
What possible issues may, in part, explain	Interview for educational/medical/developmental history.
underlying persistence in poor achievement?	 Identify areas of strength and situations or conditions where performance improves.
	Observe student during instruction.
	Conduct prescriptive assessment (error analysis).
	 Select the most likely, simple, and alterable explanation to start (instruction, curriculum, and environment then learner).

Question	Options for Collecting Data		
To what extent do exclusionary factors contribute to the learning need? How can these	Use the Review, Interview, Observe, Test (RIOT) Model to evaluate the effect behavior; academics, language, and instruction have on each other.		
issues be addressed through intervention or other means to reduce	 Record review including screening data when available (for resources see pages 6-8). 		
adverse impact on performance?	 Interview for educational/medical/developmental history (for resources see pages 8-10). 		
	 Observe student during instruction (for resources see pages 10-14). 		
	Test/prescriptive assessment (error analysis).		
	Specific questions for each exclusionary factor that RIOT may be applied to can be found in Chapter 7.		

⁻⁻Best Practices. Review, Interview, Observe, Test (Riot) and I., C., E., Learner matrix, p.169.

Resource for Re-analyzing the Problem—Record Reviews

Table 6-2

Tool 2: Record Reviews using ICEL Domains

This table provides a scaffold to review records in the Instruction, Curriculum, Environment, Learner (ICEL) domains. Parents are included as a source of information for record review.

Note: See problem-solving sample worksheet based on RIOT and ICEL after notes on ELL students below.

Domain	Source	Data Outcomes		
Instruction	Permanent products	Nature of instructional demands reflected in paper-pencil tasks (e.g., style demands of the task, difficulty levels, skill requirements).		
		Teacher records of:		
		 How expectations are communicated and the criteria for success. 		
		 How content delivery is structured. 		
		 Specificity of feedback on performance. 		
		 Student response to directions. 		
		 Teacher response to students request for clarification or assistance. 		
		 Opportunities and methods of practice. 		
Curriculum	Permanent	Nature of instructional demands reflected in:		
	products	 Stated outcomes, standards and benchmarks. 		
	(e.g., books, worksheets, curricular guides)	 Scope and sequence of instruction. 		
		 Arrangement and timing of curriculum sequence. 		
		 In curriculum and instructional materials. 		
		 Instructional approaches. 		
		 Learning tasks and pre-requisite skills. 		
		Pacing for stages of learning (acquisition, accuracy, fluency, generalization/application).		

Domain	Source	Data Outcomes		
Environment	School and classroom	 Discipline policies and procedures that define what is deemed as "situationally appropriate." 		
	procedures	Positive behavioral supports, e.g., explicit instruction in expectations (task, classroom, school) and routines.		
		 Relational influences (peer to peer, student to instructor, student to family). 		
		Physical arrangement of the classroom (noise, position relative to focus of instruction, etc.).		
Learner	Permanent products, peers' work	Standard performance of peers.		
	Cumulative records	 Patterns of behavior as reflected in teacher reports (teacher perception of the problem) and discipline records. 		
		 Onset and duration of the problem. 		
		 Interference with personal, interpersonal, and academic adjustment. 		
		Settings where behavior of concern has occurred.		
	Health records	Existence of heath, vision, and/or hearing problems potentially related to the academic and/or social behavior concern.		
	Permanent products and student work	Patterns of performance errors reflecting skill deficits.		
		 Patterns of performance in achievement, language acquisition, prior knowledge, relational and conceptual understandings. 		
		Interference with ability to profit from general education instruction.		
		Consistent skill and/or performance problems over time.		
		Settings where behavior of concern is evident.		
	Teacher's grade book	Student performance in relationship to setting demands (e.g., teacher expectations, focus on achievement vs. focus on task completion).		
	Intervention data	 Response to intervention as reflected in "Intervention Plans" and progress monitoring (academic and/or behavioral). 		

Domain	Source	Data Outcomes		
Parent and	Records of	Student's strengths and weaknesses.		
Community	communications or interview	Personal/social cultural history.		
	notes	Exposure to English Language.		
	Independent Evaluation	 Documentation of performance or achievement in pre- school or daycare settings. 		
	Results	 Evaluation, tutoring, or test results. 		

Adapted from Using Response to Intervention (RtI) for Washington's Students (2006). A publication of Special Education, Washington State Office of Superintendent of Public Instruction. Content added to Data Outcomes for Curriculum.

Language Acquisition for ELL Students

Specific behaviors common to students engaged in language acquisition should be recognized as normal. Just like native English speakers, progress monitoring of ELL learners is necessary to determine the effectiveness of intervention.

Inadequate progress without sufficient consideration of prior knowledge, opportunities to access equivalent grade level content, materials, and expectations, exposure to vocabulary and language acquisition does not justify suspicion of a disability. Suspicion is justified if the educational trajectory of an LEP student across time is notably different from his/her LEP classmates who have been educated in a similar instructional setting for approximately the same number of years.

Cultural Behavior

Teams should consider the degree to which the core and/or intervention curriculum is culturally representative of the student.

Resource for Re-analyzing the Learning Problem: Interviewing Parents

Prior to beginning the meeting, the interviewer should review the system of scientific research-based intervention (SRBI) process and where in the process lies the student's case. The parent should understand why more answers are needed (e.g., the student's progress was not sufficient to achieve the targeted goal).

During the meeting, summarize and review any previous discussions with the parent as well as any activities and results gathered since the last interview. Explain the need to increase the intensity of the interventions because the student continues to have difficulty in the specified area. Explain why more in-depth information may help improve the effectiveness of the intervention.

One way to build and increase rapport with parents is to refer to their comments from the last interview.

Show evidence of data collected, such as graphs and work samples as well as the intervention that was carried out. Share data collected during interventions to support your rationale for increasing intensity. Discuss what instruction the student will need to miss, especially core instruction in another area, in order to receive the intervention.

Questions Asked Prior to Beginning Tertiary Interventions

- 1. For younger students and/or if the following information is not in the student's file, ask:
 - a. When did your child begin to walk?
 - i. By 12 months 12-18 months 18-24 months after 24 months
 - b. Has your doctor said that your child should not participate in a specific physical activity? Please explain.
 - c. When did your child begin using single words? How does this child's language compare to siblings.
 - i. By 12 months 12-18 months 18-24 months after 24 months
 - d. When did your child begin using short sentences? (e.g., "I want juice." "My toy.")
 - i. 12-18 months 18-24 months 24-36 months after 36 months
 - ii. Have you ever worried about your child's language development? Please add your child's first/native language development for ELL students. Please explain.
 - iii. Do you understand your child when he/she talks to you?
 - iv. Do you understand your child's language? Give examples of leaving out words, leaving off endings of words.
 - v. Do people outside of your home understand your child's speech? Do you interpret what your child is saying because he/she may leave out words or phrases or watch body language the child uses to interpret what the child is saying?
 - vi. Does your child understand what you say in the language used in the home?
 - vii. My child chooses to speak to:

Family members
 Other adults
 Other children
 yes no explain
 explain
 explain
 explain

- e. How much does your child read independently at home? What does your child read at home? For pleasure? Homework?
- 2. Have you noticed any changes in attitude, behavior, etc. in (name the area of concern)? Have you and your child discussed anything about the area of concern?
 - a. You mentioned the last time we met that your child's attitude in school was (fill in blank). Have you noticed anything different? The last time we met you mentioned (fill in the blank with comments made by parents during the last interview) was your

child's behavior? Have you noticed anything different? What have you noticed about any difficulties or struggles your child experiences with school work?

- b. Have you noticed any difficulty with friends?
- c. Have you or your child discovered any tricks or tips that have helped your child learn either something in the area of concern or in other areas?
- d. Summarize the information provided by the parent during the Tier II interview. Re-ask the home work questions from Tier II and get updated information. Refer back to what parent said last time. Are they trying anything different?
- 3. Are there things you or another family member are doing at home to help your child learn?
- 4. About how much time is your child spending doing homework? Is this in the area of concern? Another area?
- 5. Do you have any questions about what the school is doing?
- 6. Is there anything else you feel the school should be doing to help your child?
- 7. May we contact your child care provider and involve them in the school communication and planning? Any information will be shared with the parent. The parent is welcome to be part of that interview.
 - a. If the parent provides written permission for the dialogue with the child care provider then the interviewer can communicate with child care provider to see if they are willing to communicate with school. Be sure to follow all data privacy procedures.

Re-analyzing the Learning Problem: Quality Practices in Observation Procedures

Observation generally refers to an information gathering process via the senses (i.e., visual, auditory) for a designated period of time (Salvia & Ysseldyke, 2004). While both qualitative and quantitative approaches to observation exist (Salvia & Ysseldyke, 2004), research supports quantitative or systematic observation to produce a reliable and valid record of specific academic or social behavior over time (Chafouleas, Riley-Tillman, & Sugai, 2007). Systematic observation allows for simultaneous documentation of the student's behavior and instructional environment.

Quality practices indicate that a systematic observation should meet the following criteria (Salvia & Ysseldyke, 2004):

- Conducted by trained personnel.
- Measures specific behaviors of concern, which have been defined in observable and measurable terms.
- Collects data under standardized procedures that allow for a high level of objectivity.
- Conducted at a time and place where student's response to intervention can be observed and any behavior related to the referral concern documented.

 Scores and summarizes data in a standardized fashion to decrease variability between observers.

Purposes of observation include:

- Checking the fidelity of an intervention.
- Gathering data to improve instruction and document ongoing needs:
 - Determine if interventions are matched to student need and any potential instructional or curricular factors that could be altered to increase rate of learning.
 - Describe the student's functioning level in relation to peers in large and small group settings.
 - Determines the accessibility of instruction whether the instruction is designed to accelerate achievement to reach grade level expectations.
 - Provide context for achievement data.
 - Provide context for observations made by specialists or teachers in other settings.
 - Identify the student's possible information processing weaknesses related to the academic concern that requires modification or accommodations.
- Focusing the data collection process to inform the design of the comprehensive evaluation:
 - Assist in identifying needs that require further investigation and testing.
 - o Assist in documenting performance related to exclusionary factors.
 - Relate observed behavior to the student's academic functioning for meeting requirement in SLD criteria.
 - Inform selection of tests administered by specialists during the comprehensive evaluation process.
- Designing instruction after an eligibility determination is made

Many methods of paper-pencil and computer-based applications collect systematic observation data. To increase the accuracy of data gathered through observations consider using Published Semi-Structured/Structured Observations. Complex observation systems are generally less accurate than simple ones (Saliva & Ysseldyke, 2004). Be sure to undergo training prior to employing any direct observation form and interpreting the data derived from its use.

Observations conducted by specialists are prime opportunities to gather information about how the student responds to instruction, the curriculum, and the environment. The matrix below explains how to chunk the observation into the ICEL categories, and is derived from research-

based literature. Such an observation may occur at one of two points in the intervention process, i.e., during the intervention process, or after the initiation of a comprehensive evaluation.

Table 6-3

Domain, Source, Data Outcomes

Domain	Source	Data Outcomes		
Instruction	Setting analysis	Effective teaching practices, teacher expectations.		
	Systematic observation	Antecedents, consequences.		
	Anecdotal recording checklists	Effective teaching practices.		
Curriculum		Curricular and content demands, accessibility of curriculum.		
Environment	Setting analysis	 Physical environment (e.g., seating arrangement, equipment, lighting, furniture, temperature, noise levels). 		
		Classroom routines and behavior management.		
		Demographics of peer group.		
	Systematic observation	Peer performance for performance standard of "situational and developmentally appropriate."		
		Interaction patterns.		
		Nature of behavior of concern.		
	recording checklists	Patterns of behavior of concern.		
		Response to interventions as reflected in progress monitoring.		
	 Systematic observations Nature and dimensions (e.g., frequency, latency, intensity) of target behaviors Response to interventions as reflected in progress monitoring 			

Adapted from *Using Response to Intervention (RTI) for Washington's Students* (2006), a publication of Special Education, Washington State Office of Superintendent of Public Instruction. Content added to Data Outcomes for Curriculum.

Examples of Published Semi-Structured/Structured Observations include:

- Washington Observation System.
- DENO K-12 Observation System.
- Classroom Assessment Scoring System (CLASS).
- Systematic Observation System (SOS).
- Behavioral Observation of Students in School (BOSS).
- Attention Deficit Hyperactivity Disorder School Observation Code (ADHD SOC).
- Behavior Assessment System for Children-2 (BASC-2).
- Ecobehavioral Assessment System Software (EBASS).
- Test Observation Form (TOF).

Figure 6-1: Classroom Management Checklist

In Place Status		Essential Practices				
Full	Partial	Not				
2	1	3	Classroom Management			
			5 to 1 positive to negative interactions (# observed below)			below)
				#Positive		# Negative
				Classroom rules and expectations are posted, taught directly, prapositively reinforced.		ht directly, practiced and
			3. Efficier	nt transition procedures taugh	nt, practiced, ar	d positively reinforced.
			a.	Entering classroom	Υ	N
			b.	Lining up	Υ	N
			C.	Changing activities	Υ	N
			d.	Exiting classroom	Υ	N
			4. Typica	classroom routines taught d	irectly, practice	d and positively reinforced.
			a.	Start of day	Υ	N
			b.	Group work	Υ	N
			C.	Independent seat work	Υ	N
			d.	Obtaining materials	Υ	N
			e.	Seeking help	Υ	N
			f.	End of day	Υ	N
			5. Attention	on getting cue/rule taught dire	ectly, practiced	and positively reinforced.
			Continuous active supervision across settings and activities, including moving throughout setting and scanning.			
			7. Desks/	room arranged so that all stu	idents are easil	y accessible by the teacher.
			8. Necess	sary materials and supplies a	re accessible to	students in an orderly fashion.
			Minor problem behaviors managed positively, consistently, and quickly.			
			Chronic problem behaviors anticipated and precorrected.			
			11. Studer	ts are provided with activities	s to engage in it	they complete work before

	other students in the class.			
Instructional Management				
	12. Majority of time allocated and scheduled for instruction.			
	Allocated instructional time involved active academic engagement with quick paced instruction.			
	14. Asks clear questions and provides clear direction of assignments.			
	15. Active academic engagement results in high rates of student success (90%+).			
	Actively involves all/majority of students in lesson, this includes providing activities/instruction to students of varying skill levels.			
	Instructional activities linked directly to measurable short and long term academic outcomes.			
Total Sum /34 = % in place				

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Resource for Re-analyzing the Problem: Sample Forms

(Use with problem analysis questions.)

Sample1	:	Examp	le	Problem-	Sol	vina	Form
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Student:

Step 1: List all hypothesis regarding cause or function of prioritized problem		Step 2: List all relevant data to support or refute each hypothesis listed			
		R	I	0	Т
	HYPOTHESIZE	REVIEW	INTERVIEW	OBSERVE	TEST
Instruction	•				
	•				
Curriculum	•				
	•				
Environment	•				
	•				
Learner	•				
	•				

Step 3: Indicate selected hypothesis (circle or bold type). **Note:** Convergent data, including quantitative data, must support selected hypothesis.

Sample 2: Re-analyzing the Problem Form

The form below may help teams analyze the extent to which data gathered from each domain facilitates or constrains learning. Teams list all evidence in one form to help facilitate analysis.

Facilitating factors should promote or assist a student in acquiring and performing skills. For example, when the student:

- Completes assignments that are broken into manageable parts.
- Follows directions when the student can look at the speaker's face.
- Remembers what she read when allowed to use notes to summarize ideas in the text.
- Improves attention to lectures when exposed to pre-teaching vocabulary.

Constraining factors may adversely influence acquisition of skills or performance, for example, when the student:

- · Complains that eye glasses cause headache.
- Sits near a pencil sharpener during "quiet" studying.
- Is given vague or implied instructions, such as: "let's pick up where we left off yesterday."

Table 6-4

Evidence

List all evidence that would promote or limit the student's skill acquisition.				
Domains	Facilitating Factor	Constraining Factor		
Instructional				
Curriculum				
Environmental				
Settings/Resources				
Other: Medical/Physical				
Revised description of what is known about the learning concern(s):				

Note: Table and examples used with permission from Jennifer Mascolo (2008) S.M.A.R.T Intervention Planning Workbook and training.

Tertiary Interventions

After the problem is re-analyzed the group responsible for revising the intervention plan is ready to use the data to determine the next step. These meetings should result in either:

Some students may need multiple discrete interventions to improve sub-skills that support broad academic deficits.

 A modified intervention (continuation of intervention and progress monitoring routine documented and approved by instructional staff and parents).

OR

• A decision to stop interventions altogether (because the student is performing at a level that no longer requires supplemental interventions).

OR

 Trigger suspicion of a disability, which leads to a comprehensive evaluation and implementation of due process procedures (for more on suspecting a disability see Chapter 7).

Resource for Modifying and Strengthening Interventions

The following table includes additional research-based recommendations for strengthening interventions. Instructional staff should always consider facilitating and constraining factors when modifying interventions.

Table 6-5

Recommendations for Strengthening Interventions

Recommendation	Why	How
Use measurement to diagnose response		
1a. Examine correct and incorrect responses (Howell & Nolet, 2000; Wolery, et. al., 1998).	To determine appropriate stage of learning and if modeling, prompting and feedback can be gradually withdrawn or faded.	Monitor number or percentage of corrects and amount of assistance given.
1b. Examine rate through fluency probes (Chard et al., 2002; Howell & Nolet, 2000; Shinn, 1989).	Fluency indicates if practice is sufficient or if other forms of assistance are necessary.	Use curriculum-based and other fluency measures.
1c. Examine maintenance and generalization (Daly et al., 1999; Martens, et. al., 2007).	Results will indicate whether the student is able to apply the skills broadly.	Use functional fluency criteria based on: • word overlap, • attaining fluency thresholds, and/or • retention, endurance or stability over time. • examine permanent products or application in other classes/ contexts.
Determine if the instructional materials are appropriate.	Do instructional materials meet student's stage of learning? Are Instructional materials accessible?	Conduct readability study. Observe student using instructional materials.

Recommendation	Why	How
2a. Examine instructional materials to ensure they promote both stimulus control and generalization (Carnine	Clear and unambiguous materials make critical features of the instructional task prominent for the learner.	Evaluate the clarity of instructions and materials and frequency of opportunities to practice and reject materials that:
et al., 1997; Vargas 1984).	Use of the skill across a variety of contexts is essential to promoting generalized use of the skill.	 Contain irrelevant stimuli that distract and/or provide unnecessary clues to the student. Yield too few practice opportunities across a variety of examples.
2b. Examine if the student is progressing when the skill is taught in the natural context (Daly & Martens, 1994; Howell & Nolet, 2004).	Natural context generally creates the best conditions for applying the skill and learning. However, the natural context may contain too much stimulation and it may be necessary to teach the skill in isolation first.	Define the natural context for skill and have student practice with appropriate assistance. If accuracy and rate do not improve, teach the skill in isolation before embedding the skill in the natural context.
3. Devote a significant portion of instructional time to practice with sequentially matched materials (Chard et al., 2002; Martens et al., 2007).	More rapid gains in generalized performance are more likely and students will probably require less overall assistance.	Choose materials at an appropriate instructional match. Provide brief, repeated practice opportunities with appropriate forms of assistance. Monitor student performance. Use performance goals to decide when to change materials.
4. Design interventions to ensure productive practice time (Martens et al., 2007).	As cumulative practice time increases, students are more likely to progress more rapidly through higher difficulty levels.	Use productive practice time to evaluate the amount of academic skill training provided.

Re	commendation	Why	How
5.	Change reinforcement contingencies sequentially over the course of skill instruction (Freeland (& Noell, 2002; Lannie & Martens, 2004; McGinnis et al., 1999; Skinner, 2002).	Reinforcement and feedback in fluency-building activities strengthen responding through greater stimulus control. Timing reinforcement schedules (without altogether withdrawing them) will promote maintenance and generalization.	Provide reinforcement for responding correctly initially. Use fluency aims on successively more difficult materials. Use accuracy-based and time-based contingencies differentially to support student engagement. Interspersed easy items may improve motivation. As fluency increases, use intermittent, indiscriminate contingencies and/or lottery schedules.

Adapted from: Daly, E. Martens, B. Barnett, D. Witt, J. & Olson, S. (2007). *Varying Intervention Delivery Response to Intervention: Confronting & Resolving Challenges with Measurement, Instruction, & Intensity.* School Psychology Review. Vol. 36 (4) pp. 562-581.

Additional Tips for Strengthening Interventions

- Provide immediate elaborated feedback.
- Teach to mastery prior to moving on.
- Provide more instructional time on targeted skill.
- Increase opportunities to respond ratio 1:3 teacher to student.
- Decrease the number of transitions between activities.
- Set goals and have student self-monitor progress.
- Flex the group time to focus on the lowest skill area while still providing time to address all remaining areas of concern.
- Use 20-30 minutes per day, which includes review.
- Promote generalization and transfer by working interventions and language used in interventions into class routines.
- Highlight relationship of the new information to student's existing knowledge.
- Decrease number of stimuli student must be attending to at a given time.
- Explicitly teach strategies (cue-do-review).

Once the plan is put in place, the process of progress monitoring, checking for fidelity, sharing of progress with parents, etc. should begin again. Team members need to meet regularly to review and analyze intervention data as district policy and rules dictate.

"Intervention Cycling"

Students cycling in and out of interventions may or may not have a disability. Students continuing to succeed with intervention support may require additional cycles of intervention to overcome deficits in prior knowledge or appropriate instruction in basic skills.

Some students may move in and out of interventions and up and down the intervention ladder in order to make incremental improvements in acquisition of complex skills. It is possible that some students with low average abilities may need sustained supports to reach and maintain grade level skills. As long as their achievement continues in the direction of becoming proficient in grade level standards and the instructional supports are sustainable, a comprehensive evaluation may not be necessary.

Continuing interventions is not the same as tracking as long as the student:

- Participates in interventions that supplement core instruction.
- Shows acceleration in acquisition of skills.
- Stays on track to become proficient in grade level standards.

Considering Basic Psychological Processing Abilities in Interventions

Some districts may find it reasonable and efficient to use tertiary interventions to screen for constraints in basic psychological processes. This section discusses these considerations.

A hallmark of specific learning disabilities is poor academic achievement and low social competence attributable to underlying deficits in basic psychological processes. While lack of achievement and performance are believed to be attributable to deficits in basic psychological processes, they are not the result of sensory or intellectual impairments.

In the previous version of the SLD Manual, the framework for understanding deficits in basic psychological processes was constructed around interference with input, integrated and output functions. These functions were further broken into areas of specific interference, **s**torage, **o**rganization, **a**cquisition, **re**trieval and **m**emory (SOAR'EM).

While the premise that deficits in basic psychological processes can continue to be categorized into interference with input, integration or output functions, the SOAR'EM framework is being replaced with terminology that reflects current research. While terminology is not always consistent across research disciplines that study specific learning disabilities, the terms selected for the SLD Manual represent those that have been linked to adverse impact on academic achievement, performance, social competence and self-regulation.

Terms in the Minnesota rule and in the following chapters are not exhaustive and are supported by varying degrees by research literature. Readers will also find that the terms selected are represented in a range of standardized measures that meet requirements for technical adequacy (see Chapter 8 for more information).

To help the transition between frameworks, a comparison of terms is provided below.

Table 6-6

Comparison of Frameworks

SOAR'EM Model		New Terminology	
Acquisition Accurately, gaining, receiving, and/or perceiving information	Input function	 Attention orienting selective attention sustained attention attention span inhibitory control Speed of Processing/ (processing speed) Short-term Memory 	
Organizing Structuring information, categorization, sequencing	on processing	 Executive functions (e.g., organizing, planning, self-monitoring, meta-cognition) Working memory, successive, and simultaneous processing; 	
Storage Adding information to existing information Manipulation Applying, using or altering information	Integrated functions listed as information processing components	 Visual processing Orthographic processing Auditory processing Fluid reasoning 	
Retrieval Locating or recalling stored information	Integrated fucomponents	 Long-term Retrieval Associative Memory 	

SOAR'EM Model		New Terminology	
Expression Communicating Information		 Phonological Processing Phonological Awareness Phonological Memory 	
	_	Rapid Naming	
		Morphographic processingOral-motor production processing	
	Output function	Motor coordination	

Constrained performance in basic psychological processes may include:

- Attention.
- Executive functions (e.g., organizing, planning, self-monitoring, meta-cognition).
- Working memory (e.g., visual, auditory, successive, and simultaneous processing; short-term memory; fluid reasoning).
- Speed of processing.
- Retrieval from long-term memory.
- Motor coordination.

"Basic psychological processes" is referred to in Minnesota Rule as information processing.

Basic psychological weaknesses are likely to cause difficulty in acquiring specific academic skills for many students, not just those with SLD. Learners with the following conditions may also have low average or normative weaknesses in short-term memory, processing speed, executive functions, and working memory:

- Tourette's Syndrome.
- Obsessive Compulsive Disorder.
- Attention Deficit Disorder.
- Language disorders.
- Autism Spectrum Disorders, Non-verbal Learning Disorder.
- Traumatic Brain Injury.
- Medical disorders such as seizure disorders, diabetes, cancer, etc.

Screening for executive function and working memory weaknesses may provide useful data for adjusting interventions and differentiating within core-curriculum for improved performance.



Illustrative Example

Joey presented as needing intervention in reading and math. Initial interventions aimed at decoding and fact fluency were not successful in improving Joey's performance. The team developed a hypothesis that a weakness in working memory may contribute to his slow rates of growth. They wanted to obtain data to determine if a more general modification of instruction accommodating working memory could be added to strengthen his performance. The team discussed their hypothesis with Joey's parents and obtained permission to assess his working memory and executive functions.

The subsequent assessment data indicated that Joey's auditory working memory was in the bottom of the average range. While not a normative weakness that would imply a specific learning disability, the team considered that poor auditory memory contributed to the slow rate of growth.

The regular classroom teacher and intervention teacher added more visual cues for processing and encouraged visualization during rehearsal. Performance in both the core curriculum and interventions began to improve.

An information processing deficit impairs a student's ability to effectively use and interpret the information the senses have gathered. This deficit is not the result of a sensory impairment or cognitive deficit.

Depending on the disorder, a student with a SLD may have difficulty:

- Discriminating between similar but unlike symbols, sounds or words.
- Attending to cognitive activities.
- Refraining from impulsive acts.
- Organizing and sequencing information to solve a problem.
- Synthesizing separate elements to solve a problem.
- Making decisions about how to approach a task.
- Retaining information heard or seen.
- Listening and taking notes, getting materials ready, etc.
- Expressing orally or in writing what is known.

Age of Identification

Information processing abilities develop from birth through approximately age 25, thus students may be identified at various ages. Identification of students with auditory processing deficits may occur early because the development of literacy skills relies heavily on this psychological process. Identification of students with deficits in executive processing may not occur until middle school/junior high or high school when curricular demands on executive processes increases dramatically.

While genetics in part influence how the brain develops, appropriate and well-timed instruction can have a positive impact on brain plasticity and functioning. Stages of development should influence selection of assessment techniques as well as intervention strategies.

Table 6-7
Information Processing Abilities and Maturation by Stage

Pre-K-2	Early elementary	Early Adolescence	Late Adolescence
Object permanence: Beginning of self-regulation Short term memory Visual processing Episodic memory	Long-term retrieval, auditory and visual processing nearing peak performance Semantic memory	Processing speed, short-term memory, fluid reasoning, executive functioning beginning to develop	 Executive functions nearing full development by 25 years. Inductive and deductive reasoning

Planning Interventions

Single-case research and neuropsychological studies show that matching interventions to a student's area of information processing weakness positively influences their effectiveness (Shaywitz, 2003), despite mixed results in research literature. A hypothesis, which includes suspected information processing deficits, allows for a more targeted match between a student's needs that may be addressed with an effective intervention and those that require accommodation.

Examples include:

- A student with an auditory processing deficit specific to phonetic coding would most likely benefit from a phonemic awareness intervention.
- Explicit instruction in strategy instruction using graphic organizers to organize content for a student with strengths in visual processing and weaknesses in reading comprehension and working memory.

Non-examples include:

- A student with a deficit in semantic processing may initially present as having difficulty in the area of reading fluency and comprehension. Providing the student with a fluency intervention is not likely to result in improved reading skills.
- A student with an auditory processing, specifically, a discrimination problem, would not likely benefit from an intervention in phonemic awareness. Given that auditory discrimination impairs an individual's ability to locate and orient to a particular sound, an accommodation of seating the student where the speaker's mouth can be seen is more appropriate.

When designing intensive interventions, quality practices suggest that the team collect data from observations, relevant medical reports, and professional judgment based on anecdotal records, and parent interviews in order to form a hypothesis about information processing conditions. In recording data, include all sources of information processing deficits evidence on a single grid so that it shows the multiple areas where performance is impacted.

Patterns of convergence or divergence also help teams assess narrow processing abilities most relevant for interventions or accommodations. A logical connection between the hypothesis of the learning difficulty and the referral concern is imperative.

During the intervention phase, teachers may wish to collect data from the following sources in order to help develop a hypothesis for the information processing deficit that may be an underlying cause of academic weakness:

- Parent interview questions specific to basic psychological processes.
- Student work/self-report.
- Formal observation data.
- Psychological Processing Checklist (PPC) Do not use as a sole source of data. PPC is a screener for developing interventions.

As long as the team obtains parent consent, schools may elect to use standardized assessments targeting areas of suspected information processing weakness; for example, Behavior Rating Inventory of Executive Functions (BRIEF), Comprehensive Test of Phonological Processing (CTOPP), Learning Disabilities Diagnostic Inventory (LDDI) as a means to tailor interventions.

Important: At this point in the determination process, the team may decide to conduct a standardized assessment measuring information processing in order to better match instructional strategies used in interventions to student needs. The assessment is not for gaining consent for a special education evaluation.

Identifying strategies to address information processing conditions should occur throughout the process, from planning interventions to designing Individual Education Program (IEP) after a student is identified as having a SLD.

Structuring Observations to Inform Hypothesized Information Processing Issues

Federal regulations require that observed behaviors link up to the student's academic functioning; therefore, include information processing in an observation when SLD is suspected.

A hypothesis helps teams direct what to observe a student doing when scheduling the observation. If the team has not gathered any observation data documenting the presence of an information processing deficit, develop a hypothesis about the areas of suspected strength and weakness. A good hypothesis is a starting place to structure observations and relate observed behaviors to the area(s) of academic weakness.

Ask what processing must take place in order for a student to accomplish the task. Take observation notes on what the student does. For example, the hypothesis is difficulty in organizing information. If observing the student's writing, see how the student constructs, brainstorms and organizes thoughts or constructs a paragraph.

Note: Make sure that the area of information processing weakness relates to the area of academic concern.

The following tables show the referral concern or category of difficulty and questions that may help to identify the underlying information processing deficits, and what to look for in the student's work and grades for reading, math, and writing.

Table 6-8

Listening Comprehension and Oral Expression

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	Observe in student work and grades	
Listening Comprehension	 Does student accurately discriminate between sounds or does student mis-hear similar sounding words? Does the student perform better when he/she can watch the mouth of the person who is talking? Does the student perform worse when the environment is noisy or bustling? Does student follow one, two or multi-step directions? 	 Student has a delayed response time to questions, pauses for two seconds or more Student has difficulty following oral directions when: It is not possible to see the speaker's mouth. The environment is noisy. Student shows difficulty comprehending vocabulary that indicates relationships, sequences. Student does not understand jokes, inferences, or puns. 	

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	Observe in student work and grades
Listening Comprehension (continued)	 Are there qualitative differences in the types of directions the student can follow e.g. simple vs. complex, with/out directional language, with/out temporal language, following a sequence of steps? Does student point to a common object when named? Does student understand that pictures or words reference real things? Does student make inferences from information presented orally? 	 Student requires multiple repetitions of questions or comments that are not particularly difficult for peers of the same age. Directional concepts. Student has difficulty remembering or repeating information that is presented orally. Difficulty comprehending academic vocabulary and concepts used to understand or acquire academics. Difficulty attending to a task. Difficulty with cause/effect relationships, time concepts, prepositions.
Oral Expression	 Does student have the ability to comprehend more than he/she can express? Does the student have difficulties in retaining and maintaining newly learned vocabulary? Does the student have difficulty with segmenting, phoneme deletion, blending or rhyming tasks? Does the student seem to experience a delay in extracting meaning from oral directions? Is there a significant delay, beyond what his typical of peers, in responding to questions? Can the student retell complex or multiple sentences? 	 Limited spontaneous speech flow. Uses grammatical forms that are "immature for age." Limited vocabulary or limited understanding of the multiple meanings of words given his/her age despite systematic and explicit instruction. Vocabulary appropriate for casual conversation but lacks ability to use language to convey academic learning or understanding of concepts. Difficulty using language to express relationships e.g. directionality, sequence, causality, time. Discrepancy in the quality of spontaneous vs. speech on demand.

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	Observe in student work and grades	
		•	Difficulty selecting the appropriate vocabulary word to use in context.
		•	Revises oral responses, e.g. multiple false starts, interruptions to self, and/or starting over.
		•	Changes topics so suddenly that the listener has difficulty following the conversation.
		•	Oral language fluency is disrupted by repetitions, unusual pauses, and hesitations.

Table 6-9

Reading

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	Observe in student work and grades	
Poor Phonological Awareness	 Is student having persistent issues: Hearing rhyme, segmenting, blending? Differentiating/hearing mistakes when presented with minimal pairs of words? Hearing different vowel sounds unrelated to LEP? 	 Confuses similar sounding words. Has problems associating letters and sounds, understanding the sounds in words, or blending the sounds into words. 	
Poor Decoding	 Is student having persistent issues: Retaining sound symbol relationships? With decoding and spelling? Seeing spaces between words or experiencing difficulty with spatial relationships when writing? Visualizing or discriminating letters based on unique features? Recalling and sequencing skills? Developing automatic phoneme production skills? 	 Confuses similar looking letters and numbers. Confuses similar looking words such as beard/bread. Reverses letter order and words (e.g., saw/was). 	
Poor Fluency	Is student having persistent issues:Retaining what is taught?With spelling but not decoding?Processing information slower than peers?	 Decoding words in isolation has become automatic; however skills don't translate to connected text. Difficulty recognizing and remembering sight words. Demonstrates poor memory for printed words. 	

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	Observe in student work and grades
Poor Comprehension	Does the student: Recall and sequence adequately?	
	 Process information more slowly than peers? 	
Categorize information?		
	 Have inner speech or internal voice during reading? 	
	Have difficulty with inferring from information presented orally?	
	Have difficulty with humor or interpretation of non-verbal skills?	

Table 6-10

Math

Math		1	
Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	What to observe or look for in student work	
Poor math fact retrieval	 Is student experiencing difficulty retrieving math facts, poor accuracy of fluency? 	Makes significant errors in retrieving facts (near misses, inconsistent performance	
Frequent fact errors	 Is problem related to prior learning or lack of practice? 	despite continuous practice).Takes significantly longer to	
	 Does student have corresponding difficulty with sound symbol associations? 	memorize facts and facts previously mastered retrieved with errors.	
Does student show immature counting strategies? Is student		 Late developing identification of number concepts. 	
	focusing on irrelevant features of counting?	Poor ability to associate meaning with symbols (e.g. 4	
	 Does this student have difficulty visualizing or seeing number? 	means IIII).Difficulty estimating and	
	Does this student experience difficulties storing and retrieving	carrying out complex calculations.	
	information in other academic areas?	Difficulty with mental calculations (high error rate).	
	 Can student repeat digits backwards from memory? (holding in working memory) 	Student uses fingers or external strategy for keeping track.	

Referral Concern/ Category of Difficulty	Questions to identify underlying information processing deficits	What to observe or look for in student work
Poor strategy use and errors in computing algorithms Operational errors Algorithm errors Regrouping errors	 Does student have: Difficulty remembering or following multi-step directions? Failure to recognize operational symbols or select operations that come to mind? Difficulty repeating digits backwards from memory? Slow retrieval with facts and/or procedural steps? Difficulties in attending or maintaining attention to the task? Is he/she impulsive? Grade-level reasoning abilities? 	 Doesn't pay attention to the operation sign or show idiosyncratic errors. Displays immature counting strategies such as counting-on and counting-all despite explicit instruction (for more information see Geary, D., Hoard, M., Nugent, L., Byrd-Craven, J. (2007)). Makes irrelevant associations or steps. Slow processing of calculations and with calculation errors. Difficulty with mental math requiring multiple steps in calculations.
Problems in aligning numbers, maintaining place value, operational errors, regrouping errors, translation errors	 Does student have: Poor handwriting? Difficulty in aligning, spacing and transferring math problems? Difficulty visualizing or seeing number? Ability to estimate? Grade-level reasoning abilities? 	 Work shows poor number alignment (numbers not transferred within place value). Difficulty with approximations and estimation.

Table 6-10

Writing

Referral Concern/ Category of Difficulty	Questions to identify IP	What to observe or look for in student work
Written expression		Products: Handwriting and spelling are poor. Overall writing is literal and focused on details at expense of overall message/coherence.
		Writing product is functional, grammatically and syntactically correct, but semantically simple. Fewer alternative words and sentence structures. Writing samples are predictable, routinized/formulaic, and concrete, lacking in creativity or novel perspective.
		Observation : Student is more likely to do a better job with expository text than narrative as information is pulled from a different location in the brain.
Spelling, organization, and monitoring of	Does the student have poor motor coordination skills	Student work: Overall piece lacks organization of ideas. Conventions are missing.
writing	or poor pencil grip?	Observation: Student does not brainstorm or plan for writing. Self-monitoring of writing process is lacking. Limited writing samples given the amount of time and direction for the task. Student may seem to bottleneck when initially starting a writing task.
Poor handwriting or distorted writing	Does student have age appropriate visual/spatial skills?	Student work: Poor spelling and handwriting, inappropriately sized letters or spaced letters, produces words that are not correct or near misses (e.g., woman for mother).
	Does student have age appropriate fine motor skills?	

Next Steps

This chapter discussed the process of re-examining the learning problem as well as how to modify and intensify interventions. A discussion of quality practices revealed how teams should use a review of data, parent interviews and observations to further refine and match interventions to student's ongoing needs.

This chapter showed how documenting what is known, what is working, and what is not working is vital so that special education staff receiving data from these systems are able to integrate this information into the request for comprehensive evaluation and eligibility determination process.

The following assessment process graphic indicates the next step for using the data. Teams should document each step as students move through the pre-referral or system of SRBI process.

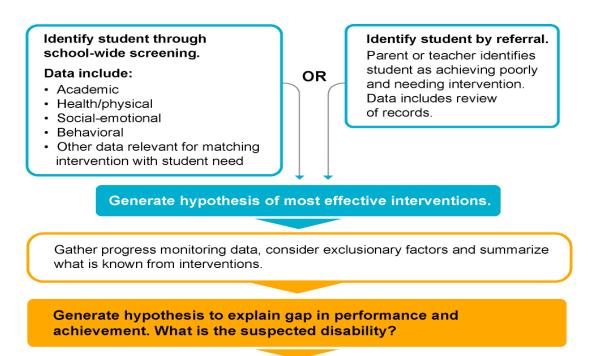


Figure 6-2. Process Flow.

At this point, steps should have been taken to inform and involve parents in the intervention process so that all parties are aware of how the student is performing, and what the next step will include. According to Minnesota Rule 3525.1341, these steps must be documented if criteria A, B, D is used to make the eligibility determination.

If not already in process, the data gathered from previous steps in the problem-solving process should be integrated into the guiding questions template below. Data may include screening, record reviews, teacher interviews and documentation, intervention, progress monitoring, observation, and parent interviews.

Table 6-11

Guiding Questions, Existing Data and Information Needed

Guiding Question	Existing Data	Information Needed
How has the team determined the student has had sufficient access to high quality instruction and the opportunity to perform within grade-level standards?		
What supplemental efforts aligned with grade-level standards, were implemented to accelerate the student's rate of learning and level of performance?		
What, if any, modifications or accommodations are being made within core instruction to enable the student to access content standards?		
What educational achievement/performance continues to be below grade-level expectations?		
How is the student functionally limited from making progress towards grade-level standards?		

References

- Baker, S.K., & Good, R.H. (1995). Curriculum-based Measurement of English reading with bilingual Hispanic students: A validation study with second-grade students. *School Psychology Review*, 24, 561-578.
- Baker, S.K., Plasencia-Peindado, J., & Lezcano-Lytle, V. (1998). The use of curriculum-based measurement with language-minority students. In M.R. Shinn (Ed.), *Advanced applications of curriculum-based measurement* (pp. 175-213). New York: Guilford Press.
- Berninger and Richards (2002). Brain Literacy for Educators. Academic Press. San Diego, CA.
- Blatchley, L., & Lau, M. (2008). *Special Evaluation of English Language Learners*. Draft chapter written for National Association of School Psychologists.
- Christ, T.J. (2006). Does CBM have error? Standard error and confidence intervals. Proceedings from the annual meeting of the National Association of School Psychologists. Anaheim, CA.
- Christ, T.J. & Coolong-Chaffin, M. (2007). Interpretations of Curriculum-Based Measurement outcomes: Standard error and confidence intervals. *School Psychology Forum:* Research in Practice, 1, 75-86.
- Chafoulas, S., Riley-Tillman, C.T., & Sugai, G. (2007). School-Based Behavioral Assessment. New York: The Guildford Press.
- Daly, E. Martens, B. Barnett, D. Witt, J. & Olson, S. (2007). Varying Intervention Delivery Response to Intervention: Confronting & Resolving Challenges with Measurement, Instruction, & Intensity. *School Psychology Review*. Vol. 36 (4), 562-581.
- Deno, S.L. (2006) Developments in Curriculum-Based Measurement. In B. Cook & B. Schirmer (Eds.), What Is Special About Special Education? (pp. 100-112). Austin, TX: PRO-ED, Inc.
- Fewster, S., & Macmillan, P.D. (2002). School-based evidence for the validity of curriculum-based measurement of reading and writing. *Remedial and Special Education*, 23, 149-156.
- Flannagan, D. October 2, 2008 Training in Operational Definition of SLD and Cattell-Horn-Carol Theory of Intelligence. Minnesota Department of Education.
- Fuchs, L, & Fuchs, D. (2006). What is scientifically-based progress monitoring? Vanderbilt University. Retrieved March 30, 2008 from http://www.aimsweb.com/uploaded/files/what is scientifically.pdf
- Geary, D., Hoard, M., Nugent, L., Byrd-Craven, J. (2007). Strategy use, long-term memory, and working memory capacity. In Berch, D. & Mazzocco, M. (Eds.) Why is Math so hard for some children? (pp. 65-83). Baltimore, MD. Paul H. Brookes Publishing Co.

- Graves, A.W., Plasencia-Peinado, J., Deno, S.L., & Johnson, J.R. (2005). Formatively evaluating the progress of first-grade English learners. *Remedial and Special Education*, 26, 215-225.
- Instructional Research Group (2007). Recent Research on English Learners: Implications for Instructional Policy. Long Beach, CA: Gersten, R.
- Hale, J. & Fiorello, C. (2004). *School Neuropsychology: A Practitioners Handbook.* New York: The Guilford Press.
- Janzen, E. F. (July 10, 2008). Personal communication.
- Journey to Intercultural Competence: Improving Prereferral Practices among Teachers of African American Students. A joint project of MDE, Special Education Policy Division, and the University of Minnesota.
- Looking at Learning: Supporting Native American Students. A joint project of MDE, Special Education Policy Division, and Minnesota State University, Moorhead.
- Lyon, G.R., Shaywitz, S.E., Shaywitz, B.A., & Pennington, B.F. (2003). Defining dyslexia, comorbidity, teacher's knowledge of language and reading. *Annals of Dyslexia*.
- Mascolo, J. (In Press) S.M.A.R.T Intervention Planning Workbook and training.
- Minneapolis Public Schools. (2002). *Predicting success on the Minnesota Basic Skills Test in reading using CBM.* Unpublished manuscript: Muyskens, P., & Marston, D. B.
- National Center for Student Progress Monitoring
- Robinson, M., Larson, N., & Watkins, E. (2002). What if they don't speak Spanish? Assessing low incidence language speakers for SLD. Paper presented at Council for Learning Disabilities International Conference, Denver, CO.
- Shaywitz (2002) Overcoming Dyslexia: A new and complete science-based program for reading problems at any level. Alfred A. Knopf. New York, NY.
- Shinn, M.R. (2007). Identifying student at risk, monitoring performance, and determining eligibility within response to intervention: Research on educational need and benefit from academic intervention. *School Psychology Review*, *36*, 601-617.
- Vanderwood, M.L., Linklater, D. & Healy, L (2008) Predictive accuracy of nonsense word fluency for English Language Learners. *School Psychology Review*, 37, 5-17.

7. Suspecting Disability

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Chapter Overview

When interventions are not working or are not sustainable, parents and/or school staff may suspect a disability. The team looks at exclusionary factors and basic psychological processes in order to hypothesize the type of disability the child may have or why the learning problem persists. Teams will need to develop questions that address various factors that preclude a child from being identified as having a specific learning disability. Special education staff integrate the resulting information into the comprehensive evaluation and eligibility determination process.

Regulations and Rules



Regulations, statutes, and rules form the basis for legal compliance and are provided to help you understand what the law requires.

Minn. R. 3525.1341, subp. 1. states that prior to or during evaluation, an observation of the child in the child's learning environment (including the regular classroom setting) that documents the child's academic performance and behavior in the areas of difficulty must be conducted. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:

- Use information from an observation in routine classroom instruction and monitoring
 of the child's performance that was done before the child was referred for a special
 education evaluation; or,
- Conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and,
- Document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning.

A specific learning disability may occur with, but cannot be primarily the result of, visual, hearing, or motor impairment; cognitive impairment; emotional disorders; environmental, cultural, economic influences; or a history of an inconsistent education program.

Note: See Chapter 1, *Orientation to Specific Special Learning Disabilities Definition and Laws* for the definition of SLD within the Minnesota Rule.

Moving from Intervention to Suspecting Disability

Among many intervention models used to accelerate student achievement, teams in Minnesota may employ prereferral interventions or a scientific researched-based system (SRBI); however, when growth in achievement continues to lag behind other students with otherwise typical abilities, parents, educational staff, and the student may suspect a disability.

Given persistent achievement that falls below age and grade level standards despite well designed and faithfully implemented interventions, teams will determine that core Design and implementation of interventions includes many variables (e.g., skill complexity and level and severity of need). The school district and team designing the intervention must determine the duration and frequency of intervention cycles.

instruction with supplemental supports cannot adequately address the educational needs of the student. The pattern of persistently low achievement along with the need for specially designed instruction should trigger a comprehensive evaluation.

Because designing and implementing interventions requires consideration of many variables (such as complexity of skill, level of skill, and severity of need), the duration and frequency of intervention cycles must be left to the discretion of the school district and the intervention design team.

Districts must publish decision rules or guidelines for length, frequency and intensity of interventions by content area in the Total Special Education Plan and make this available to parents. The plan should indicate conditions that trigger teams to move forward with a comprehensive evaluation.

Below are tips for identifying those conditions:

- The size of the gap between student performance and grade-level expectations, along with instructional history, validates the soundness of the suspicion of disability.
- Evidence that the student is not making progress (level and slope) despite:
 - High-quality interventions matched to specific areas of weakness and implemented with fidelity.
 - Interventions of appropriate intensity, duration and frequency to alter rate of skill acquisition.
- A demonstrated pattern of improvement is shown during instruction as well as a pattern of loss whenever explicit instruction is discontinued.
- Evidence of information processing deficits emerges from data collected during intervention process in some areas with otherwise normal or above-normal abilities.
- Evidence of weaknesses in achievement is unexpected or would not be anticipated given child's other strengths.

Relevant medical reports, developmental history, family history, prior specialized services, etc., is coupled with below grade-level achievement or performance.



Areas of Inadequate Achievement

Teams suspecting a disability must document eight areas where a child is suspected of having a disability or impairment (listening comprehension, oral expression, basic reading skills, reading fluency, reading comprehension, written expression, math calculations, mathematical problem-solving), which falls below age or state grade-level standards in order to meet the criteria for inadequate achievement (criteria A in Minnesota Rule 3525.1341). Not all areas of achievement must meet eligibility criteria for the student to receive special education services (see Chapter 10-Determining Eligibility for more information).

While federal law or state rule has not defined the eight areas, this section describes them to assist teams in the data collection effort.

Area 1. Listening comprehension - The ability to prescribe meaning to auditory input.

Area 2. Oral expression - The ability to use language to communicate ideas and thoughts to a listener. Oral expression is concerned with the production of language.

Area 3. Basic reading skills: The ability to read text, visuals and/or graphics.

Phonemic awareness - The ability to notice, think about, and manipulate individual sounds in spoken syllables and words (Minn. Stat. 122A.06 Subd 4.). It includes segmenting, blending, isolating sounds, and recognizing words that start with the same sound. It is not the same as phonics, which involves knowing how written letters relate to spoken sounds. See the National Reading Panel Report for more information.

Sight-word recognition - The ability to recognize and accurately name letters of the alphabet and commonly used words.

Phonics is the understanding that there are systematic and predictable relationships between written letters and spoken words. Phonics instruction is a way of teaching reading that stresses learning how letters correspond to sounds and how to apply this knowledge in reading and spelling (Minn. Stat. 122A.06 Subd 4.). Phonics instruction is inclusive of:

Word analysis skills - An individual's ability to apply structural and phonetic analysis to known and unknown or less familiar words as well as nonsense words.

Orthographic processing – At the beginning stages, the ability to visually discriminate letters and words, reproducing correct letter forms and written words. When reading moves to connected text, the ability to discern large units within words. The ability to match orthographic units with phonological representations.

Morphographic processing - The ability to identify patterns and draw meaning from word parts such as prefixes, roots and suffixes.

Area 4: Reading fluency - The ability of students to read text with speed, accuracy and proper expression (Minn. Stat. 122A.06 Subd 4.). When evaluating oral reading fluency, student should read accurately and with appropriate rate and prosody and intonation for facilitating reading comprehension. Rate and prosody are data that need to be considered because that is what has predictive validity for the development of reading comprehension over and above accurate decoding skills (Samuels & Farstrup, 2006). For more information see Wisconsin Department of Instruction guidance on reading fluency. (Samuels, 2003; Rasinski, 2004).

Area 5: Reading comprehension – An active process that requires intentional thinking during which meaning is constructed through interaction between text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional problem-solving thinking processes (Minn. Stat. 122A.06 Subd 4.).

Important: Minnesota Statute section 122A.06 Subd 4. also defines vocabulary development as the process of teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning in rich contexts, incidental learning, and use of computer technology enhance the acquiring of vocabulary. This definition should help teams in addressing the adequacy of instruction in listening, oral expression, and reading comprehension since vocabulary exposure and training is required to access content in the general curriculum.

- **Area 6. Written expression** May be conceptualized as involving two separate components including transcription of writing including handwriting and spelling and generation of ideas organized into words, syntax and grammar. The two components together form written expression, which is the communication of ideas, thoughts and feelings.
- **Area 7. Math calculation** The application of mathematical operations (i.e., addition, subtraction, multiplication, division) and basic axioms (e.g., commutative property, inverse operations) to solve mathematical problems.
- **Area 8. Mathematical problem solving** The ability to use decision-making skills in the application of mathematical concepts to real-world situations; the functional combination of computation knowledge and application knowledge. Comprehension of the mathematical problems, recognizing relevant information, and identifying and applying appropriate calculations. (Hessler, 1993 p. 119).

Important: A student who understands basic mathematical concepts and algorithms, but who has not memorized math facts, should not be identified as having a severe achievement delay or discrepancy in this area.



Exclusionary Factors that Contribute to Inadequate Achievement

The following are considered factors that, if determined to be the primary cause of poor achievement or learning difficulty, preclude a team from determining the student to have a specific learning disability. However, it is possible for an individual to have multiple disabilities or a specific learning disability with other co-existing conditions. It is also possible for some of the exclusionary factors, such as cultural or economic influences to be present yet determined not to contribute to the under achievement. For this reason, the team that will be evaluating the student must analyze data in each of the following areas to determine the degree to which, if any, each factor contributes to poor performance:

- Sensory issues
- Developmental cognitive disability
- Social/emotional behavioral issues
- Economic influences
- Environmental issues
- Lack of appropriate instruction
- Inconsistent education
- English Language and Cultural Diversity Learners

If the evaluation team determined that any of these factors were the primary cause of poor achievement, then a learning disability is ruled out. However, individuals may have multiple disabilities or a specific learning disability with other co-existing conditions.

Factor 1: Sensory Issues

In order to attribute the primary cause of underachievement to a vision, hearing, or motor (V/H/M) impairment, a student must qualify under Minnesota special education eligibility criteria or have a Section 504 diagnosis. If the student has a V/H/M impairment, the team must determine that the impairment is not the primary reason for the student's inadequate achievement. The team may find it difficult to determine to what extent the V/H/M impairment contributes to poor achievement without further investigation and data collection.

Appropriate school personal must screen students who display difficulty in V/H/M functioning to determine if further assessment and intervention are necessary. When a sensory deficit is identified, provide the student with accommodations via explicit instruction in area of academic concern.

Vision Impairment (Blind/Visually Impaired, see Minn. R. 3525.1345)

A vision impairment is medically diagnosed by a licensed eye specialist. It includes problems with visual acuity, visual field, or congenital or degenerating eye condition (i.e., progressive cataract, glaucoma, retinitis pigmentosa, albinism, or nystagmus). In an educational setting, a visual impairment limits a student's access to educational media and program appropriate materials if no accommodations are provided.

Hearing Impairment (Deaf/Hard of Hearing, see Minn. R. 3525.1331)

Hearing impairment is verified by a certified audiologist and affects hearing in terms of a sensorineural, conductive, or unilateral sensorineural or persistent conductive loss. It affects a student's educational performance in academic achievement, use, and understanding of spoken English, or adaptive behavior affecting social functioning.

Motor Impairment (Physical Impairment, see Minn. R. 3525.1337)

A physical impairment is a documented medically diagnosed condition that affects a student's ability to manage or complete the motoric portions of classroom tasks within time constraints. In an educational setting, it also affects a student's organizational and independent work skills as well as academic achievement.

Guiding Questions to Rule out the Effects of Vision, Hearing, or (V/H/M) Motor Impairments

Below is a suggested list of questions to determine if a (V/H/M) impairment is the primary cause of underachievement:

- Do we have enough information to determine if a student has a (V/H/M) impairment?
- Does the (V/H/M) impairment limit the educational progress of the student? To what extent is medical intervention mediating impairment? Can the teacher make the curriculum and instruction accessible by differentiating instruction and/or accommodating the sensory deficit?
- To what extent does achievement improve with core and supplemental instruction after implementing appropriate accommodations for the sensory impairment? Did the team interpreting data from repeated measures see a boost in achievement across time?
- Has the educational staff taken adequate steps to ensure core instruction has met the criteria for Universal Design for Learning?

Factor 2: Developmental Cognitive Disability (DCD)

In an educational setting, a cognitive impairment affects the student's ability to learn and retain academic and independent living skills. Students with limited intellectual

functioning will likely show low average performance across reading, math and written expression with corresponding low average abilities in processing speed, short-term memory, and fluid reasoning skills. Low abilities in these processing areas are likely to attenuate all areas of academic achievement.

In order to attribute the primary cause of a student's underachievement to a developmental cognitive disability, a student must qualify under Minnesota

A developmental cognitive disability is a condition defined by limitations in adaptive behavior (below 15th percentile) and very low scores on an individually administered intelligence test (an IQ score of 50-70).

eligibility criteria or have a Section 504 diagnosis. A developmental cognitive disability is determined by a team and an appropriately licensed school psychologist using Minnesota's eligibility criteria for DCD.

Low ability is not considered a disability under Reauthorized Federal IDEA 2004. As such, some students presenting with persistent low achievement and low-average aptitude will not qualify as SLD or DCD. Districts may want to develop policies or guidelines to provide sustained and intensive academic supports to maintain the achievement of students with low ability so they to continue to progress in increasingly rigorous curriculums. In some instances, additional problem-solving or targeted evaluations may help plan appropriate instruction to meet students' needs. Schools concerned with making adequate yearly progress may find it a priority to develop plans for individuals not likely to meet grade-level standards.

Factor 3: Social/Emotional Behavioral Issues

When social/emotional or behavioral issues are identified, data-based decision-making teams may have provided both academic and behavioral interventions. Teams that suspect a disability while working to determine the relative impact of social emotional issues on achievement may want to consider including both a functional behavioral and academic assessment in the comprehensive evaluation. These may be the best sources of data for teams to determine the relative impact of social/emotional concerns on achievement. (See 34 CFR sections 300.304 and 306.)

Federal regulations require that schools employ non-discriminatory practices in reviewing academic and behavioral data to reduce the potential bias of culture and language. When intervening with students from culturally and linguistically diverse backgrounds, teams should involve a cultural representative who can properly label behaviors as deviant and not related to culture.

Guiding Questions to Rule Out the Effects of Social/Emotional Behavior

Below is a suggested list of questions to determine if a social/emotional behavior is the primary cause of underachievement:

- How well does the student respond to academic instruction once individual positive behavioral supports are in place?
- What happens to academic performance when behavioral or social/emotional skills are taught?
- What happens to behavior when instruction is provided at the student's instructional level?
- What observations or student comments indicate the student's self-efficacy for learning in the area of concern?
- Is academic performance influenced by poor self-regulation? Is there evidence of poor sustained or focused attention?
- Is student performance different across classrooms, teachers, and content areas? In which combination of circumstances is behavior better or worse? Is there a teacher that the student performs better for than others?

What happens to behavior as achievement improves? Expectations rise?

Factor 4: Economic Influences

Even in conditions of substantial poverty, many households maintain literacy activities of various kinds on a daily basis. Teams should gather data about the child's developmental history, experiences with language, and opportunities for learning to determine the relative impact of socio-economic status on persistent inadequate achievement. While it should never be assumed that poverty predicts poor achievement, it may influence a child's experiential learning opportunities and access to quality schooling, which may ultimately affect language and/or conceptual development.

Children living in extreme poverty may not have access to academically enriching experiences, develop adequate academic skills, and consequently, may not score as well as same-age peers on standardized tests. In some situations, economic influences and low expectations are the primary cause of a child's underachievement and negate eligibility for special education. Implementation of rigorous, well-designed, evidence-based practices should accelerate the achievement of students who fit this scenario.

For a child who learns at a normal rate, economic influences that would be considered exclusionary factors may include, for example:

- A limited range of life and educational experiences.
- Frequent absences from school because of mobility.
- Exposure to unhealthy living conditions, which may lead to disabilities (seen as a causative factor rather than an exclusionary factor).
- Lead exposure (would not rule out eligibility for mental impairment).

Use the Poverty Checklist found in the Reducing Bias Manual to learn more about meeting the needs of students living in poverty.

Guiding Questions to Rule out the Effects of Socio-economic Status

Below is a suggested list of questions to determine if an economic factor is the primary cause of underachievement:

- How do students from similar backgrounds participating in core and supplemental interventions perform? Is the student in question performing significantly differently?
- To what extent is there a history of poor instruction, inadequate exposure to content, etc?
- What does progress-monitoring indicate when a student actively participates in intensive interventions? Is there a bump in performance for most of the group? What positive behavioral supports are likely to improve attendance and motivation?
- What happens to achievement after extended absences? Does achievement regress beyond what is typical (compare progress monitoring data from those in interventions)?

Factor 5: Educational Environmental Issues

Learning is primarily a visceral and emotional experience. Classroom environments must be engaging, motivating, safe, caring and supportive. Students must understand expectations, actively participate and engage in instruction, and have a learning environment structured to support learning.

Classrooms with cultures that are not supportive of the affective needs of students may adversely affect student performance. When students present with performance that does not transfer from classroom to classroom, year to year, or intervention to classroom, teams may determine that inadequate achievement is more likely due to environmental factors than special learning disabilities.

While teams may find gathering data on educational environmental issues difficult and sensitive, the result of this effort may yield valuable solutions or accommodations that may be applied to overall improved instruction.

Guiding Questions to Rule out the Effects of Environment

Below is a suggested list of questions useful for determining if an environmental issue is the primary cause of underachievement:

- Does the student perform markedly better in certain classes or with specific staff?
- What is the level of connectedness of the student to classroom or instructional context?
- What is basis of the grading system?
- How are classroom expectations taught and reinforced? Are students involved in expectations and/or decision-making?
- How does staff build relevance to student's background into academic lessons?
- How much time is student actively engaged with content?
- Are students involved in formative assessment, goal setting, monitoring their progress, or otherwise involved in the design of instruction to motivate them?
- To what degree is instruction differentiated to accommodate needs?

Readers will note that many of the questions could be answered through systematic observation using the Classroom Management Checklist provided in Chapter 6, *Figure 6-1*.

Factor 6: Lack of Appropriate Instruction

Teams must rule out lack of appropriate instruction in the area of concern. The goal is to have clear documentation that the student received high quality, research-based instruction, matched to student's academic need. In chapters 3-6, readers may review tools for documenting interventions, practices and student results. The following sources of information are helpful to determine if the student was provided with appropriate instruction:

- Evidence that the regular curriculum allows the majority of students (for culturally and linguistically diverse students use sub-group data) to reach proficiency on grade-level standards. If sub-groups of students are not making adequate progress within the regular curriculum, then comparison to peer group is inappropriate.
- Evidence that the student participated in rigorous and differentiated instruction aimed at accelerating achievement towards grade-level standards. Evidence may include documentation that student received intervention in addition to core instruction.
- Written intervention plans, progress monitoring data, and fidelity checks. Teams
 must consider whether the student received enough intervention and if the
 intervention was implemented with fidelity prior to being able to rule out lack of
 appropriate instruction.

Guiding Questions to Rule Out Lack of Appropriate Instruction

The following questions may be helpful in determining whether the student received adequate instruction in reading and math:

- What data indicate that the student has had access to high-quality rigorous instruction sufficient to reach grade-level standards (using grade-level normative data to make this determination for students)? Examples may include:
 - District and/or school data that suggests the amount and quality of instruction required to reach proficiency of state standards.
 - School describes the instruction provided to all students and how it exemplifies the research-base both in time, quality and fidelity of practices:
 - Verification of formal, systematic and explicit instruction in the area of inadequate achievement.
 - Verification that instruction was provided regularly.
 - Data indicating the student attended school regularly to receive instruction.
 - Verification that core instruction was delivered according to its design and methodology by qualified personnel.
 - Data indicating that core instruction is sufficient to assist the majority of students (comparable peer group for culturally and linguistically diverse students) in achieving grade-level standards.
- What supplemental efforts, aligned with grade level standards were implemented to accelerate the student's rate of learning and performance? Example may include:
 - o A description of the intervention or instruction.
 - Evidence that the intervention is/was scientifically-based.
 - The frequency and length of time it was provided.

- The person responsible for the intervention.
- Evidence that the intervention was implemented with integrity (direct observation using checklists or intervention scripts, selfreport/implementation logs, evaluation of permanent products, other).
- Description of how intervention falls within the range of acceptable practice that research suggests is sufficiently rigorous to accelerate achievement.
- Evidence indicating a discrepancy between the growth of a particular student and that of other students receiving the intervention (may be an aggregate of students who have participated in the intervention).
- Given equivalent rigorous instruction in all areas, is the student making adequate progress towards grade-level standards in some areas and not in others?
 Examples may include sub-skills within a subject area of concern or in other subject areas.

Factor 7: Inconsistent Education

Evidence may include documentation that both intervention data and history of frequent absences across grades is available. Use intervention and progress monitoring data to identify the effects of instruction by:

- Choosing positive behavioral supports to improve attendance and analyze progress-monitoring data for bumps in achievement.
- Providing the student with the most intensive intervention with high frequency to attempt a boost in achievement across relatively short periods.

A profile of strengths and weaknesses in basic psychological processing may help determine if the student has not received adequate instruction. When the student displays processing abilities within normal range, the team may conclude that a processing deficit is not the likely reason for inadequate achievement. Given normal abilities in basic psychological processes, lack of instruction is likely the more plausible explanation.

Guiding Questions to Rule Out an Inconsistent Education Program

The following questions may be helpful in determining whether an inconsistent education program is the primary reason for the student's underachievement:

- Is school attendance impeding the student's ability to learn?
- Has the student ever attended school? Has the student attended more than one school in the past year? If so, how many?
- What evidence is there of formal, systematic, and explicit instruction in the area of inadequate achievement? To what extent is there evidence of improved achievement or performance when the student is present for instruction and intervention?

- To what extent do basic psychological processes fall within the normal rage for students of similar age?
- Are there any other factors (medical or other) impacting school attendance?

Factor 8: English Language and Cultural Diversity Learners

Teachers must consider the acquisition of both the native language and English when considering ELL students for special education referral, which is a basic tenet of both the pre-referral process and the actual assessment. Research indicates that language and culture may mediate academic performance up to the fourth generation (Ortiz, 2008); therefore, decision-making teams should not assume that because a student was born in the U.S., there are no cultural or language influences in their academic performance.

Guiding Questions for Ruling Out the Effects of Language Acquisition and Cultural Diversity

The following suggested questions may ensure acquisition of sufficient information before any decisions to place a student in a special education setting:

- What is the amount and type of language input from each language?
 Note: This question is essential and affects the degree to which the team further examines the following questions.
- What is the separation and interaction of the two language systems?
- What social and psychological factors can be identified in bilingual acquisition and use?
- What is the student's level of proficiency in all four modalities (listening, speaking, reading, writing) of each language?
- What is the gap between proficiency in English and the student's native language and the impact on student's learning? Is there a difference in performance by subject?
- Are there indications that difficulty in reading or math is pervasive across languages? If instruction was provided in the native language and in English, was the student experiencing difficulty?

Basic Research on First and Second Language Acquisition

This section describes research on language acquisition. In assessing a student's proficiency in both languages consider the following:

- Amount of input, including the number of hours daily that the student hears and uses both the native language and English.
- Type of input (i.e., both the language modality--was the language input received through listening or reading or expressed though speaking or writing--and the

register or format of the language). The type of register can be formal, informal or personal. Familial and local dialects may be used in personal exchanges.

- Length of exposure to each language's input in the home, at school in their native country, and through the media have longer exposure and increased input.
 Evaluating proficiency in both languages is a critical component of both the intervention process and formal special education evaluation.
- Social and psychological factors.
- Bilingual language models available in school setting.

To address the degree of inadequate instruction or intervention of English proficiency as the sources of the student's difficulties, school must establish that:

- The student has failed to develop good native language skills despite receiving good input.
- The student's proficiency in English is less than expected given the formal and informal input he or she has received. The extent to which native language is modeled and or demonstrated to be acceptable to use within the building. Proficiency is considered in terms of input as well as age.

In addition to the type and amount of linguistic input, consider several other language acquisition issues as background information throughout the special education process, such as:

- Relative proficiency of each language.
- The interaction and separation of the two languages.
- Social and psychological factors that have an impact on language acquisition.

Document and describe these issues as part of the information gathered for ELL students who are referred for special education. The following graphic illustrates the kinds of information that should be gathered when a bilingual student is referred for special education services.

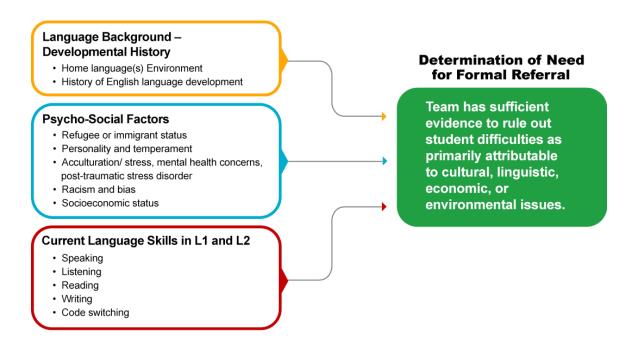


Figure 7-1. Language Profile.

Although communication differences obviously need to be addressed with non-native speakers, they are not typically evaluated when assessing American Indian and African American students whose native language is English. Even subtle differences in communication among English-speaking students may have a pronounced effect on test scores and classroom performance.



Illustrative Example

Will, an African American student, grew up in a predominantly African-American neighborhood. His background and culture have influenced the development of his vocabulary and the pronunciation of some words. Kizis, another student raised on an American Indian reservation, has receptive understanding of Ojibwe and speaks a dialect of English that is influenced by Ojibwe.

Both Will and Kizis will have differences in how they select and use language to communicate. This difference extends beyond verbal language, to nonverbal communication, and mode of communication, all of which may influence performance on standardized measures.

In general, curriculum, the teacher's training, administration, classroom environment, expectations, methods for monitoring progress, and everything else related to the school as a system should be designed to allow learning to take place in children who are from the "mainstream" and otherwise typical.

The purpose of gathering data on language background and communication differences is to determine how "different" the individual is from the mainstream along these two dimensions. Students who seem not to benefit from instruction are thus "different" from those who do, and require special programming and educational assistance. This comparison is valid only when all

The extent to which an intrinsic factor can explain poor school performance correlates to the degree to which all other sources of the problem are eliminated or controlled.

students are comparable and have the same level of experience with schools, the same language, and so forth. Thus, culturally and linguistically diverse student may not demonstrate expected levels of learning in this system, not because they are incapable, but because they are "different."

The focus of the preliminary stages of the referral and assessment process rests in understanding the student's degree of difference compared to the average, mainstream, monolingual English-speaking student for whom all these processes and procedures and instruction and intervention have been designed.

Important: The more "different" the student is deemed, the more it would be expected that poor performance is a function of this difference and not an internal problem. Conversely, the more similar a student is to the mainstream, the more likely that repeated failure to respond to appropriate instruction is due to an internal dysfunction.

Knowledge of the degree of the student's differences on the dimensions of English proficiency and acculturation not only assists in understanding the student's response to instruction, but also sets the level of expectation for performance on any task that may be given, including standardized tests, should the matter go that far.

Determining a student's level of language proficiency is relatively straightforward in Minnesota. See Chapter 7 of the ELL Companion Manual on the Minnesota Department of Education Website for more information about available tools. Students identified as ELL are regularly given the Test of Emerging Academic English (TEAE) and the Minnesota Student Oral Language Observation Matrix MN-SOLOM, which rates listening and speaking skills. See the Minnesota Department of Education Website for more information about these tests. Other standardized tests are used to gauge language development, such as the Woodcock-Munoz Language Survey and the Language Assessment Scale (LAS).

Be aware of the tendency to overestimate development, which can be avoided by paying attention to surface aspects of speech, including pronunciation or the presence of an accent. Accent is not an indicator of language proficiency, but rather an indication of when an individual first began to learn the language.

Any individual under the age of 9 or 10 years of age will likely be able to learn how to pronounce English within a year or two; teams may erroneously mistake them as having the same level of proficiency as their native-English speaking peers.

The following table provides a summary of myths related to language acquisition that can assist practitioners in avoiding assumptions about proficiency and development that may not be true or representative of the individuals they may be assessing.

Table 7-1
Language Acquisition Myths

Myth	Reality
Accent is an indicator of proficiency.	No. It is a marker regarding when an individual first began to hear/learn the language.
Children learn languages faster and better than adults.	No. They only seem to because they have better pronunciation.
Language development can be accelerated.	No. Language developed to the level of <i>cognitive</i> academic language proficiency (CALP) facilitates the acquisition of a second language.
Learning two languages leads to a kind of linguistic confusion.	No evidence exists that learning two or more languages simultaneously produces any interference.
Learning two languages leads to poor academic performance.	No. On the contrary, students who learn two languages very well (CALP in both) tend to outperform their monolingual peers in school.
Code-switching is a language disorder and shows poor grammatical ability.	No. It is only an example of how bilinguals use whatever words may be necessary to communicate their thoughts as precisely as possible, irrespective of the language.

A relationship exists between acculturation, language proficiency, and the family's immigration history. Just because a student was born and educated since pre-school in the United States does not mean that the student will perform well on assessments administered in English.

Dimensions of Bilingualism and Relationship to Generations

A second-generation student may not be fluent in his/her native language or in English. Therefore, assessments administered in either English or the native language will yield suppressed results.

Language and culture can potentially impact performance on standardized tests up to the fourth generation.



The table below illustrates a special case of bias derived from erroneous thinking that immigrant students born and raised in the U.S. will perform on standardized assessments on par with native English speakers born and educated in the U.S.

Table 7- 2 Immigration History and Language Use

Immigration History	Language Use
	First Generation – Foreign Born
Newly Arrived	Understands little English. Learns a few words and phrases.
After several years of residence-Type 1	Understands enough English to take care of essential everyday needs. Speaks enough English to make self understood.
Type 2	Function capably in the work domain where English is required. May still experience frustration in expressing self fully in English. Uses immigrant language in all other contexts where English is not needed.
	Second Generation – U.S. Born
Preschool Age	Acquires immigrant language first. May be spoken to in English by relatives or friends. Will normally be exposed to Englishlanguage TV.
School Age	Acquires English. Uses it increasingly to talk to peers and siblings. Views English-language TV extensively. May be literate only in English if schooled exclusively in this language.
Adulthood – Type 1	At work (in the community) uses language to suit proficiency of other speakers. Senses greater functional ease in his first language in spite of frequent use of second.
Adulthood – Type 2	Uses English for most everyday activities. Uses immigrant language to interact with parents or others who do not speak English. Is aware of vocabulary gaps in his first language.
	Third Generation – U.S. Born
Preschool Age	Acquires both English and immigrant language simultaneously. Hears both in the home although English tends to predominate.

Immigration History	Language Use	
School Age	Uses English almost exclusively. Is aware of limitations in the immigrant language. Uses it only when forced to do so by circumstances. Is literate only in English.	
Adulthood	Uses English almost exclusively. Has few opportunities for speaking immigrant language. Retains good receptive competence in this language.	
	Fourth Generation – U.S. Born	
Preschool Age	Spoken to only in English. May hear immigrant language spoken by grandparents and other relatives. Is not expected to understand immigrant language.	
School Age	Uses English exclusively. May have picked up some of the immigrant language from peers. Has limited receptive competence in this language.	
Adulthood	Almost totally English monolingual. May retain some receptive competence in some domains.	

Note: Adapted from Valdés, G. & Figueroa, R. A. (1994), Bilingualism and Testing: A special case of bias (p. 16).

The Acculturation Quick Screen (AQS) asks several questions about the duration that a student has lived in the U.S., duration in the district, first and second language proficiency, and characteristics of the current school. View the AQS at http://www.crosscultured.com/index.asp. Based on the answers, students are classified as:

- Significantly less acculturated--beginning to adapt to current school environment.
- Less acculturated--in the process of adapting but may experience stress and anxiety as a result.
- In transition--in the acculturation process and still experiencing some culture shock.
- More acculturated--still needs some support, but can generally understand and function in the new environment.
- Highly acculturated--understands and functions in the school environment without support; may need encouragement to maintain ties to traditional cultural community.

Cultural interventions related to the stage of acculturation are recommended to gain information for planning a comprehensive evaluation.

Use background information to determine how "different" the student is from the mainstream because the degree of difference sets up the expectations for performance on tests. Gauge this difference as "slightly different," "different," or "markedly different." Teams should use caution not to overestimate the level of acculturation or English language proficiency of students.



Basic Psychological Processing Deficits Relating Suspicion to Inadequate Achievement

The second component of the special learning disabilities (SLD) criteria requires teams to identify deficits in basic psychological processes.



Minnesota Rule 3525.1341 states: "The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings by behaviors such as inadequate: acquisition of information; organization; planning and sequencing;

working memory, including verbal, visual, or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks."

Important: It is best practice to find an empirical or logical relationship between inadequate academic achievement and information processing deficits with otherwise normal functioning in those abilities/processes not strongly related to the area of academic weakness.

Area of Referral Concern with Likely Deficits in Information Processing

The table below shows basic psychological/cognitive processes that have an empirical relationship to achievement.

Table 7-3
Referral Concerns and Their Corresponding Psychological Processes

Referral Concern	Area of Deficit In Basic Psychological Processes			
Language (listening	Phonological Processing (Expression)			
comprehension and	Processing Speed (Input)			
oral expression)	Working Memory—Auditory (Integration)			
	Long-term Memory—Associative Memory (Integration)			
	Executive Functions (Integration)			
	Motor Coordination Processing (oral) (Expression)			
Basic Reading Skills	Processing Speed (Input)			
Duois reading ciams	Auditory or Visual (orthographic) Processing (Integration)			
	Working Memory (Integration)			
	Long-term Memory (Integration)			
Reading Fluency	Processing Speed (Input)			
Treating Tracine,	Auditory Processing/Auditory Working Memory (Integration)			
	Associative Memory (Integration)			
Reading	Fluid Reasoning (Integration)			
Comprehension	Morphological Awareness (Expression)			
	Processing Speed (Input)			
	Working Memory (Integration)			
	Executive Functions (Integration)			
	Sustained Attention, Successive Processing (Integration)			
Written Expression	Orthographic Processing (Integration)			
'	Oral Expression (Expression)			
	Fluid Reasoning (Integration)			
	Working Memory (Integration)			
	Executive Functions (planning, organizing) (Integration)			
	Motor Coordination (Expression)			
	Phonological Awareness (Expression)			
Math Computation	Processing Speed (Input)			
,	Working Memory (Integration)			
	Long-term Memory—Associative Memory (Integration)			
Math Problem Solving	Fluid Reasoning (Integration)			

Note: Findings represent a synthesis from the literature and are subject to change pending additional research.



Students Aging Out of Developmental Delay (Part B of

IDEA) into Categorical Disability (Part B of IDEA)

Note: This section references the Reauthorized Federal IDEA 2004.

Inadequate achievement is demonstrated when a young student is unable to learn in response to usual classroom instruction or make progress when provided research-based interventions matched to the student's need. The determination of inadequate achievement must relate to age or grade-level standards and be identified through implementation of a screening process or response to intervention.

The aging out of young children from Part B Developmental Delay into Categorical Special Education Services under Part B must happen before the seventh birthday. Although teams will conduct this as a reevaluation, to qualify for SLD the child must meet initial criteria for SLD. The child may meet SLD eligibility criteria in one or more of the eight areas; however, it is not necessary to meet initial eligibility in all areas of academic need. Teams may choose to use either A, B, C or A, B, D if the team has valid and reliable data from a system of research based interventions. If the child is demonstrating inadequate achievement in an area where special education services have not been provided the team should use existing data or data gathered from classroom instruction and interventions. This may include screening, progress monitoring or other achievement data.

Areas of Probable Inadequate Achievement - While young children may legally meet SLD criteria in any of the eight areas of inadequate achievement, parents and educators will more likely identify areas of concern in the development of early language, literacy, and numeracy skills. Each of the three areas is discussed in detail below.

Area 1: Language Development - Regardless of a child's general cognitive abilities or therapeutic history, in general the risk for reading problems is greatest when a child's language impairment is severe in any area, broad in scope, or persistent over the preschool years (for more information see Snow, C. Burns, S. and Griffin, P. 1998).

Students with language delays or deficits in the areas of syntax and/or semantic impairments are at higher risk than those with phonologic impairments.

Area 2: Phonological Awareness - Students with delays

or deficits in phonological awareness are at greater risk for later deficiencies in the development of basic reading skills. Phonological awareness includes discrimination of beginning or ending sounds, rhyming, syllable counting, automaticity, and rapid naming of letters. Some studies suggest that early identification should lead to direct teaching of phonological awareness skills, as well as integrated language instruction for effective intervention (National Reading Panel Report, 2000; National Center for Learning Disabilities). Explicit and systematic instruction and monitoring of skill acquisition in the areas of awareness of speech sounds in words and vocabulary knowledge will be helpful to teams in determining the need for specialized instruction.

The team needs to determine if the following four predictors are present in a young student by grade three by determining what components of the evaluation measure these areas and what the results indicate.

1. Poor automaticity in naming letter names and letter sounds.

- 2. Phonological awareness.
 - Discriminating and manipulating sound in sequence.
 - Discriminating sounds at beginning of words.
- 3. Rapid naming (in general).
- 4. Verbal working memory (short-term memory).

Children with syntactic and/or semantic impairments are at higher risk than those with phonologic impairments. Those with phonologic impairments have significantly more trouble on a letter identification task.

Young students with moderate to severe phonologic impairment in their preschool years are at risk for later deficiencies in phonological awareness and letter knowledge, the two best predictors of reading success.

The team should complete interventions in phonological awareness skills--explicit training designed to develop an awareness of speech sounds in words--prior to referral for a special education evaluation.

Phonological awareness training includes rhyming, segmenting into beginning, middle, and ending sounds, onset rhyme deletion, and blending sounds to make words. This training is most effective when combined with direct instruction that teaches young students the connections between sounds of language and the letters representing those sounds.

Area 3: Number Sense - Persistent delay in the development of number sense and relevant features of counting may demonstrate inadequate achievement in young students. The relevant features of counting are:

- One-to-one correspondence.
- Cardinality.
- Stabile order of word tags.
- Understanding that any objects can be grouped and counted.
- Order irrelevance (objects can be counted in any order).

Young students with delays in counting strategies are at risk for delay in the development of later mathematical abilities. In addition to delayed counting, risk factors include phonological deficits, orthographic processing, memory retrieval deficits, delay in using language to solve problems, and pervasive deficits in expressive and receptive language.

Quality Practices in Parent Involvement when Planning Comprehensive Evaluation

Begin the parent interview with a review of the previous interventions, their results, and, why those interventions were not successful. Then inform them that the team will now proceed to evaluation. Parent would have already signed permission for the evaluation.

The following questions help guide the initial interview.

Note: Ask broad questions first, then ask more targeted questions for elaboration, for example:

- Were there any difficulties with the pregnancy or birth of this child?
- Has this child ever been hospitalized? For what reason? Does your child have any medical conditions or accidents of which we may not be aware?
- Have there been any medical changes since we last visited?
- Does your child have behaviors that concern you or others? Explain.
- What is your view on how the interventions have impacted your child's learning?
- What does your child tell you about what is going on in school? Has he said anything more since our last visit?

The interviewer should explain to parents that formal testing would follow in order to determine if their child has a disability, and that a more in-depth developmental history is necessary.

Parental input on areas of eligibility is very important to obtain. If the parent says no to any of the following questions the interviewer should probe further. Remember to ask general questions first followed by more specific questions if the parent does not provide the answers.

- Does your child have trouble reading words? Sentences? Books?
- Does your child understand what they read? Does your child talk about what they read?
- How does your child read new words? Do they ask you for help right away? Do they try to sound out the words?
- In your opinion, does it take your child a long time to read?
- Can your child answer addition problems? Subtraction? Multiplication? Division?
- Can your child figure out things using numbers? (May need to give examples.)
- Can your child tell time using a clock with hands? A digital clock?

- What does your child use writing for? Can you understand what your child writes? If not, clarify if penmanship, spacing or spelling causes the problem. How does your child hold the pencil? Check on fine motor skills.
- Does your child write from left to right?
- Can your child write letters to form words?
- Do you notice any other problems in math? Reading? Writing?
- Listening comprehension covered through the information processing questions about following directions.
- Does your child understand stories read or told to her?
- How are your child's gross motor skills? Can he throw, catch, monkey bars, run, skip, etc.

Questions for Information Processing

- How does your child recall information? What strategies do you know she uses?
 What happens when your child forgets things?
- Is your child able to use previously learned information in new situations?
- Does your child follow directions? Two-step directions? Three-step?
- Does your child remember routines?
- Does your child understand what he reads?
- Can your child assemble or repair things?
- How would you describe your child's ability to organize (objects, thoughts, use of time)?
- Does your child show any specific sensitivities to sound, touch, sight, etc?
- Is there anything about your child that we should know that we have not asked about yet?

Next Steps

This chapter discussed what happens at the point where interventions are not working or sustainable. When interventions are not working or sustainable, the parent and/or school staff may suspect a disability. Information that influences what the hypothesized disability may be was explored through examining the exclusionary factors and basic psychological processes. A discussion of quality practices revealed how teams should examine exclusionary factors and basic psychological processes to further refine their hypothesis for why the learning problem persists.

This chapter provided example questions for teams wrestling with the contribution of factors that preclude a child from being identified as having a Specific Learning Disability. Documenting answers to the questions presented is vital so that special education staff receiving data from these systems are able to integrate this information into the comprehensive evaluation and eligibility determination process.

The following assessment process figure indicates the next step for using the data. Teams should document each step as students move through the pre-referral or system of scientific research-based system (SRBI) process.

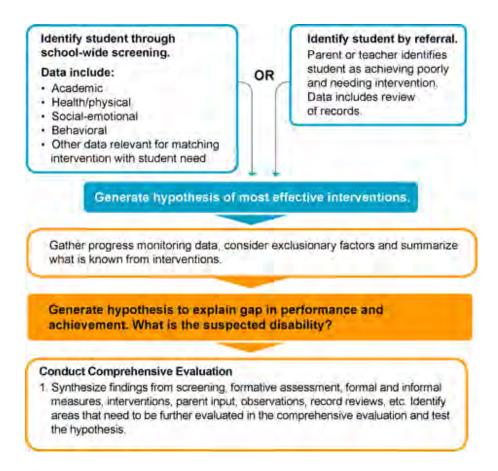


Figure 7-2. Assessment Process.

At this point, steps should have been taken to obtain prior written consent for a comprehensive evaluation. Within the prior written notice statement, there should be documentation of the information required in rule for if criteria A, B, D is used to make the eligibility determination.

If not already in process, the data from each step in the assessment process should be integrated into the guiding questions template. Data may include screening, record reviews, teacher interviews and documentation, intervention, progress monitoring, observation and parent interviews.

Table 7-4
Guiding Questions

Guiding Question	Existing Data	Information Needed	
How has the team determined the student has had sufficient access to high-quality instruction and the opportunity to perform within grade-level standards?			
What supplemental efforts, aligned with grade-level standards, were implemented to accelerate the student's rate of learning and level of performance?			
What, if any, modifications or accommodations are being made within core instruction to enable the student to access content standards?			
What has and has not worked to increase access and participation in core instruction (the general education environment)?			
What educational performance/achievement continues to be below grade-level expectations?			
What factors, limit performance? What supplemental efforts have been successful in mediating the impact?			
What about the student's profile leads the team to suspect a disability and the need for special education and related services.			
How is the student functionally limited from making progress toward grade-level standards?			

References

- Feifer, S. & De Fina, P. (2005). *The Neuropsychology of Mathematics: Diagnosis and Intervention.* School Neuropsych Press.
- Geary, D. (2004). Mathematics and Learning Disabilities. *Journal of Learning Disabilities* Vol 37(1). p. 4-15.
- Shalev, R.S., Auerbach, J., Manor, O., & Gross-Tsur, V. (2000). Developmental Dyscalculia: Prevalence and prognosis. *European Child and Adolescent Psychiatry*, 9. p1158-1164.
- National Reading Panel Report, 2000; National Center for Learning Disabilities.
- Snow, C. E., Burns, S. M., & Griffin, P. Editors. (1998). Preventing Reading Difficulties in Young Children, Chapter 4: Predictors of Success and Failure in Reading. National Research Council, National Academy of Sciences. Excerpt found at http://www.readingrockets.org/article/281
- Torgesen, J. Empirical and theoretical support for direct diagnosis of learning disabilities by assessment of intrinsic processing weakness. In Bradley, Danielson, & Hallahan, 2002. *Identification of Learning Disabilities Research to Practice*. Mahawah, N.J. p. 565-613.

Reading Comprehension

Durkin, D. (1993). Teaching them to Read. 6th Ed. Boston, MA; Allyn and Bacon.

Reading Fluency

Assessing Reading Fluency, 2004. Creating Fluent Readers.

Samuels, J. Farstrup, A. Eds. (2006). What Research Has to Say About Fluency Instruction. International Reading Association. Newark, D.E.

Written Expression

- Berninger, V. (2004). Understanding the graphic in developmental dysgraphia: A developmental neuropsychological perspective for disorders in producing written language. In D. Dewey, & D. Tupper (Eds.), *Developmental motor disorders: A neuropsychological perspective* (pp. 189-233). New York. Guilford Press.
- Fletcher, J. Lyon, R. Fuchs, L. & Barnes, M. Learning Disabilities From Identification to Intervention.

ELL Considerations

Ortiz, 2008. Presentation at Third National School Neuropsychology Conference. July 9-12. Grapevine, TX. Valdés, G. & Figueroa, R. A. (1994), *Bilingualism and Testing: A special case of bias.* p. 16.

Economic Influences

- Jack P. Shonkoff, J.P. & Phillips D.A. Eds., (2000). *Neurons to Neighborhoods*. Committee on Integrating the Science of Early Childhood Development, Board on Children, Youth, and Families. National Academies Press.
- Sternberg, R. & Grigorenko, E. (2003). *Environmental Effects on Cognitive Abilities* by Lawrence Erlbaum Associates Inc. Mahwah, N.J.

Educational Environment

- Sprick, R.S. (2006). Discipline in the Secondary Classroom: A Positive Approach to Behavior Management. (2nd Ed.). California: Jossey-Bass Teacher.
- Building Academic Success on Social and Emotional Learning: What Does the Research Say? (Social Emotional Learning, 5) by Joseph E. Zins, Roger P. Weissberg, Margaret C. Wang, and Herbert J. Walberg.
- National Research Council and the Institute of Medicine. (2004). Engaging schools: Fostering high school students' motivation to learn. Committee on Increasing High School Students' Engagement and Motivation To Learn. Board on Children, Youth, and Families Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.



8. Gathering Data for Comprehensive Evaluation

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Chapter Overview

Comprehensive evaluation involves intensive and comprehensive problem-solving that leads to a special education eligibility determination. Evaluations should be grounded in theory, driven by specific hypotheses, and tailored to each student. Data from discrepancy scores or scientific research-based interventions may be considered in the determination evaluation, but should not be used as the lone determinant.

Beginning with a comprehensive presentation of all laws pertaining to data gathering, this chapter discusses sources of data, provides guidance on determining service and education requirements, and provides sections relating to young children and English Language Learners. It contains various tools, such as FAQs, and suggested achievement and cognitive measures to help teams complete this step.

Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance and are provided here to help readers understand what the law requires. The following regulations, rules, and statutes govern practices of data collection and the design of the comprehensive evaluation.

Comprehensive Evaluation

Full requirements for comprehensive evaluation are covered in 34 C.F.R. section 300.301 through 300.306. The most relevant requirements to the content in this chapter have been included.

- 34 C.F.R. section 300.304(b) The public agency must:
 - 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 that may assist in determining:
 - Whether the child is a child with a disability.
 - The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum.
 - 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.
 - Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.
 - Ensure that the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not

commonly linked to the disability category in which the child has been classified.

Minnesota Rule 3525.2710 subpart b (2): In conducting the evaluation, a district shall not
use any single procedure as the sole criterion for determining whether a child is a pupil
with a disability or determining an appropriate education program for the pupil.

Evaluation Materials and Procedures

- 34 C.F.R. section 300.304(c)(1): Each public agency must ensure that:
 - Assessments and other evaluation materials used to assess a child under this part are:
 - Selected and administered as to not be discriminatory on a racial or cultural basis.
 - Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.
 - Used for the purpose for which the assessments or measures are valid and reliable.
 - Administered by trained and knowledgeable personnel.
 - Administered in accordance with any instructions provided by the producer of the assessments.
 - Assessments and other evaluation materials used include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient)34 C.F.R. § 300.304(c)(2)).
 - Assessments are selected and administered so as best to ensure that, if an
 assessment is administered to a child with impaired sensory, manual, or
 speaking skills, the assessment results accurately reflect the child's aptitude
 or achievement level or whatever other factors the test purports to measure,
 rather than reflecting the child's impaired sensory, manual, or speaking skills,
 unless those skills are the factors that the test purports to measure (34
 C.F.R. § 300.304(c)(3)).
 - The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities (34 C.F.R. § 300.304 (c)(4)).
 - Assessments tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided (34 C.F.R. § 300.304 (c)(7)).

Additional procedures defined in Minnesota Rule 3525.2710 c (2): Each district shall
ensure that materials and procedures used to evaluate a child with limited English
proficiency are selected and administered to ensure that they measure the extent to
which the child has a disability and needs special education and related services, rather
than measure the child's English language skills.

Variance from Standard Evaluation Conditions

Minnesota Rule 3525.2710, subp. 3(c)(6): If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.

Review of Existing Evaluation Data

- 34 C.F.R. section 300.305(a) As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must:
 - Review existing evaluation data on the child including:
 - Evaluations and information provided by the parents of the child.
 - Current classroom-based local or state assessments and classroombased observations.
 - Observations by teachers and related service providers.
 - On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine:
 - Whether the pupil has a particular category of disability, as described in as defined in section 300.8, and the educational needs of the child OR in the case of a reevaluation of a child, whether the child continues to have such a disability and educational needs of the child.
 - Whether the child needs special education and related services, OR in the case of a reevaluation of a pupil, whether the child continues to need special education and related services.
 - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.
- 34 C.F.R. section 300.305(c) Sources of data: The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under subpart a.
- 34 C.F.R. section 300.305(d):
 - Requirements of additional data are not needed if the IEP team and other qualified professionals, as appropriate, determine that no additional data are

needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents:

- Of that determination and the reasons for the determination.
- Of the right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.
- That the public agency is not required to conduct the assessments previously described in unless requested to do so by the child's parents.

Secondary Transition Needs

Minnesota Rule 3525.2900, subp. 4(A): For each pupil, the district shall conduct an evaluation of secondary transition needs and plan appropriate services to meet the pupil's transition needs. The areas of evaluation and planning must be relevant to the pupil's needs and may include work, recreation and leisure, home living, community participation, and postsecondary training and learning opportunities. To appropriately evaluate and plan for a pupil's secondary transition, additional IEP team members may be necessary and may include vocational education staff members and other community agency representatives, as appropriate.

Use of Assessments Transferred from Other Public Schools

34 C.F.R. section 300.304(c)(5): Assessments of children with disabilities who transfer from one public agency to another public agency in the same academic year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with section 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.



OR

Quality Practices Determining Service and Education Requirements

In order for teams to conclude that a student is eligible for special education due to an Specific Learning Disability, the disability must meet eligibility criteria under 34 C.F.R. section 300.309. During the required comprehensive evaluation, teams must also determine the educational and/or related service needs of the student. Finally, teams use the data to determine:

- The student's continuing educational needs and the instruction that will address the student's needs.
- Any factors that contribute to poor performance (e.g., mobility, untreated vision problems, English language acquisition).
- If more than one disability is indicated, identify the primary and co-existing disability(ies).
- Any educational needs that must be met through accommodations or modifications, and special education services.

 The next steps to meet the student's instructional needs if the student is not determined to have a disability and require specially designed instruction under IDEA 2004 or does not have a disability and require modifications under 504.

Criteria and Sources of Data Used In Decision Making

Use of the discrepancy formula or data from research-based interventions alone is insufficient to accurately identify a student as having an SLD. A discrepancy score disconnected from an understanding of how a student functions in a classroom and responds to quality instruction is insufficient to address the questions put forth in the eligibility determination. Data from interventions are important for extracting information about many of the exclusionary variables that can affect learning in the classroom, notably poor or inappropriate instruction, cultural bias, issues of language acquisition, etc. However, data illustrating a child's response to interventions is insufficient to generate comprehensive evaluation of a child's achievement and a hypothesis for the learning difficulty.

Teams will find that data indicating response to intervention, observation data, interviews, and record reviews provides ecological validity to test data gathered during comprehensive evaluation. The process of finding convergence among various sources of data as well as teasing out explanations from divergent data increases accuracy of identification and informs the design of special education services.

The figure below illustrates the two evaluation criteria options and the corresponding types of data required.

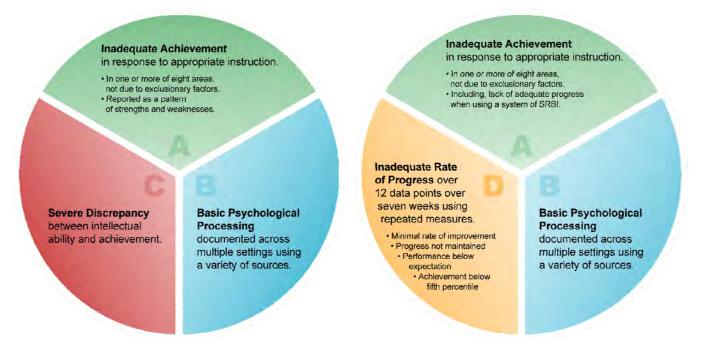
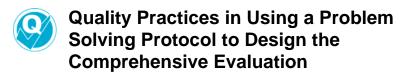
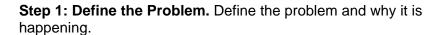


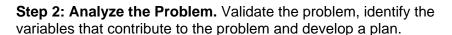
Figure 8-1. Determination Criteria.

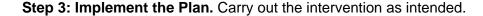
Note: See Minnesota SLD Rule Summary in Chapter 1 for more information.



As discussed in Chapter 4, for the system of SRBI process, the determination process includes four iterative steps:







Step 4: Evaluate the Plan. Determine whether the data indicate the plan is working (for more information see chapter 5 for further discussion of monitoring progress).

During comprehensive evaluation, teams should follow the same process, but use different tools such as formal tests and measures of achievement and cognitive abilities. The assessment plan should be informed by data gathered prior to the evaluation planning



meeting. The more that teams are able to integrate existing data, the more efficient and individualized the comprehensive evaluation process.

At the point of designing the comprehensive evaluation, teams should thoroughly review the results of attempts to address gaps in achievement, language development, social-emotional, behavioral challenges, physical limitations, and suspected weaknesses in basic psychological processes. Teams will need to redefine the problem, re-examine why the problem persists despite high-quality instruction and intervention as well as reassess what further data needs to be gathered. During the evaluation process, teams must be prepared to integrate the data gathered from formal tests and measures with existing data and analyze the salient findings and relationships between achievement and basic psychological processes.

Figure 8-2 provides a basis for informed decision-making and shows how data gathered from each phase in the eligibility process informs the next step in data collection and decision-making. This framework for problem solving provides one means of systematically analyzing student needs. Districts are encouraged to specify and train staff in their own protocols and tools.

Identify student through school-wide screening.

Data include:

- Academic
- Health/physical
- Social-emotional
- Behavioral
- Other data relevant for matching intervention with student need

OR

Identify student by referral.

Parent or teacher identifies student as achieving poorly and needing intervention. Data includes review of records.

Generate hypothesis of most effective interventions.

Gather progress monitoring data, consider exclusionary factors and summarize what is known from interventions.

Generate hypothesis to explain gap in performance and achievement. What is the suspected disability?

Conduct Comprehensive Evaluation

- Synthesize findings from screening, formative assessment, formal and informal measures, interventions, parent input, observations, record reviews, etc. Identify areas that need to be further evaluated in the comprehensive evaluation and test the hypothesis.
- Evaluate factors that contribute to persistent low achievement; sensory or health issues, language differences, social-emotional issues, environmental issues, etc.
- Evaluate broad and specific abilities in achievement to determine levels of achievement that are above/ within/ below age or grade-level expectations or norms.
- Evaluate cognitive abilities/aptitude and create a profile of strengths and weaknesses.
- Re-evaluate factors that contribute to low achievement: cognitive limitations, sensory or health issues, language differences, social-emotional issues, environmental issues, etc.
- Conduct integrated ability analysis using multiple sources of data, to verify consistency between deficits in achievement and basic psychological processes.
- Evaluate the degree to which there is interference with functioning and progress in general curriculum.

Prepare evaluation report by synthesizing all findings to create a picture of how student learns.

Figure 8-2. Assessment Process.

--Adapted from Operational Definition of Learning Disabilities by Flanagan, D. et al., (2006).

Note: See Chapters 3 and 5 for more information on screening and progress monitoring noted in the figure above.

Whether a team uses the proposed model or another research-based model for organizing the comprehensive evaluation, all those involved in making the eligibility determination must have adequate information to address eligibility, instructional needs, and next steps. Districts may want to investigate other research-based models for organizing an SLD evaluation. Other research-supported models include Concordance-Discordance Model of SLD Determination by Hale and Fiorello' (2004) and Discrepancy/Consistency Model based on the Planning, Attention, Simultaneous, Successive (PASS) processing theory by Naglieri (1999).



Quality Practices

Questions Guiding the Design of Comprehensive Evaluation and Collection of Data with Corresponding Regulatory Citations

The design of the comprehensive evaluation should be grounded in theory, guided by specific questions and research-informed practices in assessment. Teams will notice that the guiding questions at the end of each chapter are duplicates, but are organized to address the statutory requirements that come with determining eligibility and necessary specially designed instruction and related services. To the extent that existing data has been integrated and used to inform the next step, the data that remains to be gathered may be different for each student. Teams should focus on collecting data that address the persistent and complex educational needs of the student and not be driven by a standardized template or testing kit. The table below provides guidance regarding these issues.

Table 8-1
Questions to Guide Comprehensive Evaluation Design and Collection of Data

Guiding Questions	Core Instruction	Supplemental Intervention	Specialized Instruction (IEP)
Access to high- quality scientific research-based instruction	How has the team determined the student has had sufficient access to high-quality instruction and opportunity to perform within grade-level	What supplemental efforts, aligned with grade-level standards, were implemented to accelerate the student's rate of learning and level of performance?	What has and has not worked to increase access and participation in the regular classroom environment?
	standards?	Minn. Stat. 125A.56	What additional supports, accommodations or modifications are necessary
	Minn. R 3525.1341, subp. 1 B	Minn. R 3525.1341, subp. 2 D	to provide access to grade- level standards?

Guiding Questions	Core Instruction	Supplemental Intervention	Specialized Instruction (IEP)
Limitations in adequate achievement or performance (ELL, lack of appropriate instruction in reading or math)	What areas of educational performance/ achievement continue to be below grade-level expectations? 34 C.F.R. § 300.8(a)(2) 34 C.F.R. § 300.304(b)(3) 34 C.F.R. § 300.304(c)(2) Minn. R 3525.1341, subp. 2 A	What factors limit performance? What supplemental efforts have been successful in mediating the impact? 34 C.F.R. § 300.304(c)(1)(ii) What about the student's profile leads the team to suspect a disability and the need for special education and related service supports?	What special education supports would be sufficiently rigorous to accelerate performance towards gradelevel achievement standards? OR Given previous efforts, what additional supports are required to help the student gain control over academic, non-academic, and transition goals?
Impairment/Disabilit y (Sensory, cognitive delay, emotional or behavioral)	How is the student functionally limited from making progress towards grade-level standards? 34 C.F.R. § 300.304-306 How is the student limited from participating in the five areas of transition: namely, work, recreation and leisure, home living, community participation, postsecondary training and learning opportunities. Minn. R 3525.2900, subp. 4(A)	34 C.F.R. § 300.306(b) What evidence is there that indicates the student needs protections afforded through Reauthorized Federal IDEA 2004 for specific learning disability to make progress towards grade-level standards? 34 C.F.R. § 300.8(a)(1) 34 C.F.R. § 300.304(c)(2)-(7) 34 C.F.R. § 300.8(b)	What are all the needs that must be addressed and the evidence-based instruction that will accelerate achievement towards gradelevel standards? 34 C.F.R. § 300.305(a)(2) 34 C.F.R. § 300.304(b)(1) Minn. R 3525.2710, subp. 4 (D)-(E)

The questions are organized from least restrictive environment starting in the top left corner, moving right and down as documentation is gathered to identify the appropriate specially designed instruction. Teams maximizing the guiding questions will have documentation sufficient to meet eligibility requirements, design special education services and develop an individualized education program as well as document the need for participation in the modified assessment.

Table 8-2
Data Collection Best Practice for Culturally and Linguistically Diverse Student Learners

Data Collection Best Practices for Culturally and Linguistically Diverse Learners

Ortiz (2008) outlines revised and refined structural guidelines, which provide a comprehensive framework for engaging in fair and equitable assessment of diverse individuals. A practical framework to guide assessment is found in *Best Practices in School Psychology V* and consists of 10 essential components. The framework below is adopted with permission.

- 1. Assess for the Purpose of Intervention. An intervention-driven process can be one discriminatory aspect of the assessment and can bias all subsequent activities. The intervention(s) need to provide ways to accelerate acquisition of skills and learning rather than identifying the underlying cause of observed problems.
- 2. Assess Initially with Authentic and Alternative Assessment Procedures. Intervention-based assessments have value in reducing some of the discriminatory aspects of evaluation as well as improving academic achievement. Interventions and documentation of intervention fidelity assist in assuring progress in skill development and reflect what the student has been taught. Implementation of a proper response to intervention framework that is culturally and linguistically appropriate is can be a rigorous approach using authentic methods.
- **3. Assess and Evaluate the Learning Ecology.** An exploration of extrinsic causes that might be related to learning difficulties should occur prior to exploration of intrinsic factors like ability. Assessment of culturally and linguistically diverse students is often related to experiential factors. Acculturation and differences in language are equally important to consider. Additional differences impacting all students might include health, family situations, socioeconomic issues, teacher biases, and access to effective instruction, to name a few.
- **4. Assess and Evaluate Language Proficiency.** For dual language learners, assessment of language proficiency in both languages for Basic Interpersonal Communication (BICS) and Cognitive Academic Language Proficiency (CALP) must be current (within 6 months) and is crucial for development of appropriate linguistically interventions. This information addresses questions such as opportunity to learn, expected level of functioning relative to English language development, etc.
- **5. Assess and Evaluate Opportunity for Learning.** The educational system, including the curriculum, personnel policies, instructional setting, etc., must be carefully evaluated to determine whether the student has been provided with adequate opportunity to learn. Some of the factors to consider are parent interview, regularity of school attendance, match between native language in instruction and parents' ability to support language instruction, culturally appropriate instruction and curriculum, etc.
- **6.** Assess and Evaluate Educationally Relevant Cultural and Linguistic Factors. Many factors outside of school should be assessed because of their possible influence on student learning and language development. The effects of small amounts of exposure to two or more languages or cultures during early childhood development may create circumstances that impact school performance. Observations across multiple environments and observers, interviews, and review of records are a few of the multiple methods and sources of information that should be accessed.

Data Collection Best Practices for Culturally and Linguistically Diverse Learners

- **7. Evaluate, Revise, and Retest Hypotheses.** The convergence of data and multiple information sources should be thoroughly evaluated. Systematic interventions need to be carefully analyzed. Sometimes external factors may be present but not directly contributing to learning difficulties. When there are no plausible or demonstrable external factors that can account for the learning difficulties, then consideration of intrinsic factors is warranted.
- **8. Determine the Need for Language(s) of Assessment.** IDEA 2004 mandates that assessors consider the student's primary language ability (in addition to English ability) in the development of the assessment plan. Factors that influence test selection are based on information collected from steps 1-7 above as well as other relevant outside data. Although each case is individual, basic guidelines are that students **who are not** proficient in English should be assessed in the primary language in addition to any English testing that may be appropriate, and students who are proficient in English may be assessed in their primary language in addition to any English testing that may be appropriate. All students, whether proficient in English or not, whose histories and backgrounds are not comparable to U.S. mainstream, should be evaluated by an assessor who possesses knowledge of the factors relevant to the student's unique experiences and how they may effect learning.
- **9. Reduce Bias in Traditional Testing Practices.** The process of nondiscriminatory assessment using tests is represented in two distinct options: (a) administer test(s) in a standardized way and attempt to evaluate the results in a nondiscriminatory manner, or (b) modify the testing process in a way that is less discriminatory initially. Rationale for each is summarized below.
- (a) Maintaining standardization allows application of systematic methods to reduce bias.
- Use locally developed, pluralistic norms.
- Provide a foundation for nondiscriminatory assessment based on research/empirical evidence. For example, the Culture Language Interpretive Matrix (included in the appendix).
- Use a knowledge of test properties relative to cultural loading and linguistic demands as the basis for test selection.
- (b) Modification and adaption of tests to reduce the effect of acculturation or linguistic bias violates standardization and negates the validity and interpretability of results for quantitative data. Therefore, protocols should not be scored and no quantitative data reported. Tests may provide qualitative information, but should remain guided by efforts to intervene and not to diagnosis.
- **10. Support Conclusions Via Data Convergence and Multiple Indicators.** A convergence of data from multiple sources, including the student's unique experience and background, should be integrated and used as the appropriate context from which to evaluate the data. The data collected should come together in a cohesive and convincing manner that supports the plausibility of the final conclusion. A convergence of evidence is sufficient to provide validity to conclusions, but care should be taken not to assign unwarranted significance to any single piece of evidence. In the final analysis, equivocal data should be interpreted as the learning problem is not intrinsic to the learner, but that functioning is within normal limits. Any observed difficulties are the result of factors other than those related to a disability.

Ortiz (2008) found in *Best Practices in School Psychology V.* National Association of School Psychology

Major Sources of Data

This section discusses the major sources of data that may be collected to meet each of the criteria for SLD determination, namely inadequate achievement (including intervention data), information processing, and IQ (for discrepancy). Teams should consider how data will be gathered so that any area of concern identified through the evaluation has multiple sources of data confirming/validating the deficit. Ideally, teams will have three independent pieces of data confirming the area of deficit.

See Chapter 7 for more information on areas of inadequate achievement and academic functioning relevant for SLD determination.

Reminder: Academic functioning below age or grade-evel standards is required for eligibility under SLD.

Collecting Achievement Data

In order to document achievement for the eligibility determination and to develop instruction after the eligibility decision is made, the team should collect data on the following:

- Listening comprehension.
- Reading fluency.

• Oral expression.

- Written expression.
- Basic reading skills.
- Math calculation.
- Reading comprehension.
- Mathematical problem solving.

Teams should note the differences in how the achievement data should be documented for the choice in criteria being used. In cases where the discrepancy (criteria ABC) is being used, the achievement must be reported as a pattern of strengths and weaknesses. In cases where the lack of response to instruction (criteria ABD) is to be used, the data indicating lack of response must be documented.

Currently, there is no legal definition of inadequate achievement or pattern of strengths and weaknesses. Teams are obliged to document all areas of educational need 34 C.F.R. § 300.304(c)(1). Educational need may be conceptualized as any areas of achievement that require continued support to make progress towards grade-level standards. Minnesota Rules 3525.1341 also require that documentation must be representative of the child's curriculum and useful for developing instructional goals and objectives.

Sources of data teams may use in their analysis include, but are not limited, to:

- Repeated measures of achievement.
- Cumulative record review.
- Class work samples.
- Teacher records.
- State or district assessments.
- Formal and informal tests.

- Curriculum-based evaluation results.
- Results from targeted support programs.

Teams should use the sources of data available to construct a holistic picture of the student and how the student is performing relative to age and grade-level standards. Integrating multiple sources of achievement data provides a picture of how well a student is meeting grade-level standards. It also reveals which conditions that improve a student's skill acquisition and those conditions that constrain performance. Teams may find *Figure 9-1: Likely Patterns of Performance for SLD Identification* helpful in constructing a holistic picture of academic performance.

Note: Achievement is compared to age and grade-level standards, but information processing deficits are normative deficits.

The rest of the segments in this section cover sources of data that help develop a complete picture of the student performance and learning preferences.

Classroom Data and Professional Judgment

Classroom data and professional judgment are required by teams to determine the extent to which the instruction and environment have been changed to improve student learning. Information that should be used from observations, student work, record reviews, etc., includes:

- Potential positive influences to achievement (successful means of differentiation).
- Whether core instruction and interventions were nondiscriminatory and delivered with quality.
- Whether response to faithfully implemented interventions was sufficient.
- The extent to which additional supports or interventions are likely to improve achievement.
- Nuances in performance noted across teachers, classroom, non-classroom, tutorial environments.
- Rigor of instructional goals and objectives and performance across time.

Data used to make professional decisions may include, but is not limited to:

- Observations of the student in the regular classroom setting that document the student's academic performance and behavior in the area of difficulty.
- General education teacher's assessment of the student's daily work revealing a relative lack of quality and depth on a consistent basis (work samples may be representative of interventions, targeted support program such as Title 1, or daily work from regular curriculum).

- Pre and post measures indicating a lack of achievement over time (informal inventories, screening assessments, formative/summative assessments).
- Records and reporting systems showing a pattern of poor achievement.
- Family members' concerns that the student is not achieving to potential.
- Student reports indicating frustration with achievement, comprehension, following directions, completing assignments, building and maintaining friendships, etc.
- Classroom work that is below expectations in depth, breadth, or complexity for this student when compared to his or her peers.
- Classroom work that demonstrates a breakdown in a specific stage of learning: lack of skill acquisition, proficiency, maintenance, generalization or adaptation.
- Teacher records, e.g., results of conferences, anecdotal reflections of student learning.
- Behaviors or approach to tasks, or thinking strategies observed during assessment administration.

Examples of notable behaviors include, but are not limited to:

- Attitude and interests toward testing or any changes, before, during, after testing.
- Degree of comprehension and compliance with assessment directions.
- Response to visual, auditory or motor demands.
- Receptive and expressive language characteristics.
- Recognition of errors and attempts to change or solve a problem.
- Repetition of mistakes with or without level of self-awareness or monitoring of responses.
- Management of frustration.
- Verbalizations or thinking aloud before, during, after tasks.
- Task approach (impulsive, thoughtful, gives up easily, persists, revisions of answers, etc.).
- Response to success, failure, reinforcers (verbal and physical).

Observation Data

Data from observations made during instruction should be integrated into judgments about the quantitative results. Observation data can be gathered to provide context for standardized assessment data may include, but is not limited to:

- Curricular influences on achievement:
 - Whether core instruction and interventions were nondiscriminatory and delivered with fidelity and quality.
 - Rigor of instruction as compared with grade-level expectations and student performance across time.
- Instructional influences on achievement:
 - Whether interventions were implemented with fidelity.
 - Nuances in performance noted across teachers, classroom, non-classroom and tutorial environments.
 - Response to directions, success, failure, use of reinforcers (verbal and physical), etc.
 - Response to instruction with different size groups, delivery methods or materials.
 - Demonstration of a breakdown in stage of learning: lack of skill acquisition, proficiency, maintenance, generalization or adaptation.
 - Instructional adjustments, modifications, or additional supports within intervention that would likely strengthen response and rate of skill acquisition.
- Learner centered influences on achievement:
 - o Frequency, duration, or latency of behaviors.
 - Approach to task and management of frustration (impulsive, thoughtful, gives up easily, persists, revisions of answers, etc.).
 - Verbalizations or thinking aloud before, during and after tasks.
 - Use of strategies, cues or problem solving to regulate attention, emotion, or behavior.

Informal Assessment Procedures

Informal measures and procedures provide assessment teams with the ability to test limits, determine instructional levels, verify mastery of competency or curriculum, identify factors that contribute to skills, and test assumptions given differences between performance on open-ended and close-ended tasks. Supplement standardized measures with informal and other assessment procedures, such as:

- Criterion-referenced tests that indicate whether a student has met a pre-determined standard of performance.
- Work samples collected under varying conditions that show the breadth of skills under different learning conditions and environmental contexts.

- Informal writing, math or reading inventories that consist of graded prompts indicating student's instructional, independent or frustration level.
 - o Examples include:
 - Jerry John's Informal Reading Inventory.
 - Informal Phonics Survey.
 - Qualitative Reading Inventory.
 - Qualitative Spelling Inventory.
- Checklists and rubrics developed from research or qualitative analysis. Examples include:
 - o Multidimensional Fluency Scale.
 - National Assessment of Educational Progress Integrated Reading Performance Record.
 - Teacher-made formative and summative assessments linked with curriculum and state standards.

Repeated Measures of Achievement (Progress Monitoring Data)

Repeated measures of achievement or progress monitoring data may be the strongest indicator of a student's degree of impairment or limits to participation in general education when provided with high-quality instruction. Use progress monitoring data whenever data are determined to be a valid and reliable measure of the student's achievement. Progress monitoring data should:

- Indicate baseline performance.
- Indicate changes or shifts in intervention/instructional strategies via marked graphs.
- Indicate that regular measurements were taken.
- Contain a minimum of 12 data points gathered over the course of intervention(s) consistently implemented over at least seven weeks.
- Reflect level of performance expected across time when given the full intensity of intervention.
- Reflect the trend or slope of the student's growth rate when given the full intensity and duration of intervention.
- Reflect the trend of correct—and when appropriate incorrect—responses.
- May also reflect loss and recoupment time over breaks in instruction.

Data should reflect that interventions were modified or changed according to pre-determined decision rules with any extenuating circumstances noted. Judgments of the data should include consideration of the intensity, frequency, length, duration and fidelity of intervention received by the student, number of and quality of probes used to gather data and consistency in scoring and interpreting data.

When data from progress monitoring measures do not meet requirements for technical adequacy, use other standardized measures to document inadequate achievement in the area of academic concern. Teams may choose to include in the comprehensive evaluation progress-monitoring data from independent tutoring or instruction provided outside the school day that meets the criteria stated above.

Standardized Measures of Achievement

Standardized, norm-referenced measures of achievement help teams determine how well a student is performing relative to a peer group. It is important to note that group-administered achievement tests, including Minnesota Basic Skills Tests and Statewide Testing, do not have the sensitivity and are not intended to be adequate either for specific eligibility criteria or for writing IEP goals and objectives.

Important: The following lists of assessments have been selected for the skills they measure and are not equal in their ability to address referral questions. The list is not intended to be exhaustive. Teams may choose other assessment tools or versions with updated norms as long as they are adequate measures of the abilities being tested (see each test manual for intended uses, strengths, limitations and interpretive guidance).

Professionals have an obligation to stay updated on appropriate assessment tools for the purposes for which they are being used. Findings from tests should be useful for developing the student's instructional programming.

Phonological Skills

- Comprehensive Test of Phonological Processing (CTOPP).
- SCAN-C Test for Auditory Processing Disorders in Children Revised (SCAN-C-R).
- Test of Auditory Comprehension of Language 3rd Ed (TALC-3).
- Test of Phonological Awareness 2nd Ed PLUS (TOPA-2+).
- Test of Phonological Skills (TOPAS) and Test of Phonological Awareness in Spanish (TPAS).

Reading

- Measures of Academic Progress (NWEA-MAP), for formative assessment only.
- Gray Diagnostic Reading Tests 2nd Edition (GDRT-2).

- Gray Oral Reading Test 4th ED (GORT-4).
- Early Reading Diagnostic Assessment (ERDA).
- Gray Silent Reading Test (GSRT).
- Slosson Oral Reading Test-Revised (SORT-R3).
- Standardized Reading Inventory-2nd ED (SRI-2).
- Test of Early Reading Ability 3rd ED (TERA-3).
- Test of Irregular Word Reading Efficiency.
- Test of Reading Comprehension (informs professional judgment and instruction, but unless norms are updated, do not use scores to establish a pattern of inadequate achievement).
- Test of Silent Word Reading Fluency (TOSWRF).
- Test of Silent Contextual Reading.
- Test of Word Reading Efficiency, Test of Silent Word Reading Fluency, Test of Irregular Word Reading Efficiency.
- Woodcock-Johnson III Diagnostic Reading Battery (WJ III DRB).
- Woodcock Reading Mastery Tests-Revised/Normative Update (WRMT-R/NU).
- Word Identification and Spelling Test (WIST).

How to determine if a test is appropriate for use in the discrepancy calculation:

- 1. The technical manual states that the assessment is valid and reliable for discriminating between individuals with SLD and other groups. Validity of .9 or .7-8 with corroborating evidence from other sources of data.
- 2. The normative sample is less than 10 years old and represents the student being assessed.
- 3. Cluster scores, composite scores, or scores derived from multiple subtests are available.
- 4. Standard scores can be calculated.
- 5. The test items are developmentally appropriate and are sufficient to represent the skills requiring assessment.

Do not use scores from a test with out-of-date norms for the calculation of discrepancy or as indicators of student performance. Teams may use performance, observed behaviors during administration, and error analysis to inform professional judgment, verify a hypothesis or design instruction.

To determine the appropriate uses of tests listed in this manual, read the administration manual and independent reviews in the latest editions of:

- Mental Measurements Yearbook.
- The Achievement Test Desk Reference: A Guide to Learning Disability Identification 2nd Ed (Flanagan, Ortiz, Alfonso & Mascoolo, 2006). Boston: Allyn & Bacon.
- Assessment of Children's Cognitive Applications (Sattler 2008).
- Handbook of Psychological and Educational Assessment of Children, 2nd Ed: Intelligence, Aptitude, and Achievement (Reynolds, Kamphaus, & Hendry 2003).

Math

- Measures of Academic Progress (NWEA-MAP), for formative assessment only.
- Comprehensive Mathematical Abilities Test (CMAT).
- · Key Math III.
- Test of Early Math Abilities (TEMA).

Written Language

- Oral and Written Language Scales: Written Expression (OWLS:WE).
- Test of Early Written Language 2nd Ed (TEWL-2).
- Test of Written Language 3rd Ed (TOWL-3).

Language Tests (to use score in the discrepancy calculation, the selected test must measure achievement)

- Clinical Evaluation of Language Fundamentals 4th Ed (CELF-4) (this is not a measure of achievement but has been useful in designing instructional programming).
- Comprehensive Assessment of Spoken Language (CASL) (informs professional judgment and instruction, but do not use scores unless norms are updated).
- Comprehensive Receptive and Expressive Vocabulary Test 2nd Ed (CREVT-2).
- Comprehensive Receptive and Expressive Vocabulary Test-Adult (CREVT-A).
- Expressive One-Word Picture Vocabulary Test (EO-WPVT).
- Illinois Test of Psycholinguistic Abilities 3rd Ed (ITPA-3).
- Oral and Written Language Scales (OWLS) (Inform professional judgment and instruction, but do not use in calculating discrepancy scores until norms are updated).
- Peabody Picture Vocabulary Test III (PPVT-III).
- Receptive One-Word Picture Vocabulary Test (RO-WPVT).
- Test of Adolescent and Adult Language.
- Test of Early Language Development 3rd Ed (TELD-3).
- Test of Language Development-Intermediate: 3rd Ed (TOLD-I:3).
- Test of Language Development-Primary: 3rd Ed (TOLD-P:3).
- The WORD Test 2nd Ed (WORD-2).

- Test of Expressive Language.
- Woodcock Language Proficiency Battery—Revised.

Comprehensive Achievement Batteries

Comprehensive achievement batteries provide the broadest picture of a student's achievement. Data gathered from other sources, such as interventions in one academic area, do not provide a comprehensive understanding of the student's academic needs. Although teams may find that items on the assessments do not adequately correlate to state standards, it is important to understand that test items have been selected for their ability to differentiate learners. Comprehensive assessment batteries are appropriate measures to use when identifying comprehensive patterns of achievement. Users need to be sure the subtests in the tests they select to use:

- Are developmentally appropriate.
- Have adequate specificity and sensitivity to identify areas of strength and weakness in students of similar age.
- Closely align with curricular expectations.
- Measures used in calculating discrepancy must provide standard scores (mean standard score of 100, standard deviation of ±15).

Important: The following lists of assessments are not equal in their ability to address referral questions. It is the obligation of the professionals selecting and administering the tests to use the most appropriate test for each student and referral concern. The list is not intended to be exhaustive. Teams may choose other assessment tools or versions with updated norms as long as they are adequate measures of the abilities being tested (see each test manual for intended uses, strengths, limitations and interpretive guidance). Professionals have an obligation to be trained and knowledgeable about the tests they are administering.

Batteries to document inadequate achievement and calculation of the discrepancy score:

- Diagnostic Achievement Battery (DAB-3).
- Kaufman Test of Educational Achievement 2nd Ed (KTEA-II).
- Peabody Individual Achievement Test Revised/Normative Update (PIAE-R/NU).
- Wechsler Individual Achievement Test 2nd Ed (WIAT—II).
- Woodcock-Johnson III Test of Achievement (WJIII)/NU.

Test Selection for Eligibility Decision

Use the following suggestions when selecting technically adequate assessment tools for eligibility decisions:

- Use tests with age-based norms that are no more than 10 years old.
- Use tests designed specifically for, or considered an appropriate and robust measure
 of, one of the eight areas of academic functioning specific to Minnesota State Rule.
 See rule language at beginning of chapter 10.
- Use tests with adequate norming sample. The norming should have been conducted using a sample of people from the United States with adequate samples of students at the age of the student being tested.
- Use tests selected and administered in a manner as to not be discriminatory on a racial or cultural basis.
- Ensure that the test's technical manual states that the assessment is valid and reliable for discriminating between individuals with SLD and other groups, including validity of .9 (or .7-.8 with corroborating evidence from other sources of data).
- Use tests that create cluster scores or a score derived from multiple sub-tests
- Avoid deviations from the standard administration of any standardized test that invalidate the score for eligibility and placement decisions. Non-standard administration includes, for example:
 - Not using a tape recorder for a subtest when required by the standard administration directions in the testing technical manual.
 - Testing in a classroom full of students.
 - Extending the allotted time for a subtest.
 - Completing the math calculation section with a calculator.
- Testing of limits may occur after ceilings are reached, and may provide valuable information for the design of instruction and to reveal a student's thinking strategies or processes.
- Administer a standardized test according to procedures outlined in the administrative manual. Do not administer testing sessions subtest by subtest, occurring on different days. This will invalidate the score.
- Administer assessments that ensure students with impaired sensory, manual or speaking skills accurately reflect aptitude or achievement level rather than the impairments (unless those skills are the factors the tests purport to measure).

Refer to Selection of Assessments in Chapter 11 for more on ethical principles that guide conduct of assessment practices.

The following list of standardized measures of achievement may be helpful to teams in the selection of tests useful for filling in gaps and determining underlying skill deficits represented within the student's curriculum.



Quality Practices in Collecting Information Processing Data

Minnesota Rule 3525.1341 requires documentation that a disorder occurs in multiple settings impacting one or more of the basic psychological processes. Teams are required to use multiple sources of data to illustrate that the disorder in basic psychological processes is manifested in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. For this reason, it is recommended that once a disability is suspected, teams should create a hypothesis of basic psychological processes that are likely impacted. Teams should use a combination of the informal data gathered from the tools listed above plus student work samples collected during intervention and standardized measures to validate and document the disorder and its impact on achievement.

Quality practices indicate that a normative deficit in information processing ability is necessary for being identified as having an SLD. For efficiency, teams will be served by using observation data, work samples, and interview results to direct the selection of instruments and methods. Teams should validate the suspected disorder in basic psychological processes by using standardized measures to determine the normative weakness and strengths (both relative and normative). Use of norm-referenced tools, such as standardized assessments, and observations, rating scales, etc., allows teams to establish a threshold of functioning that is more reliable than informal checklists and interviews.

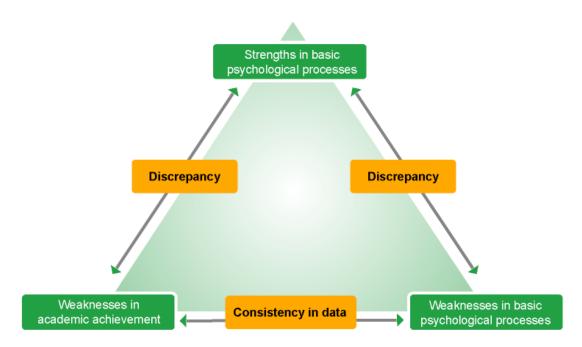


Figure 8-3. Relationship between Basic Psychological Processes and Achievement

Adapted with minor changes in terminology to be consistent with language in Minnesota Rule from Hale, J. B., Flanagan, D. P., & Naglieri, J. A. (2008). Alternative Research-Based Methods for Reauthorized Federal IDEA 2004 Identification of Children with Specific Learning Disabilities. *Communique*.

Teams should look for an empirical relationship between poor achievement and normative weaknesses in basic psychological processes. To further differentiate students with SLD from those with general learning difficulties, teams should expect to find normal functioning in those abilities/processes not strongly related to academic deficits. Include assessment of attention, memory and executive functions for older elementary students because they are critical elements in middle and high school success. Limitations in executive functions and memory have increasing impact on academic achievement throughout middle and high school.

Examples of Standardized Measures of Basic Psychological Processes Used by Psychologists or Specially Trained Personnel

Important: Teams may not be familiar with all the assessments in the following lists. Professionals have an obligation to familiarize themselves with tests that they may not regularly use. Testing manuals, peer-reviewed articles or independent reviews conducted by Burros Mental Measurements Yearbook may be helpful in determining the intended uses, strengths, limitations, and interpretive guidance for otherwise unfamiliar tests.

The following lists of assessments are not equal in their ability to address evaluation questions. It is the obligation of the professionals selecting and administering the tests to use the most appropriate test for each student and referral concerned. The list is not intended to be exhaustive. Teams may choose other assessment tools or versions with updated norms as long as they are adequate measures of the abilities being tested (see each test manual for intended uses, strengths, limitations and interpretive guidance). Professionals have an obligation to be trained in and knowledgeable about the tests they are administering.

Multiple Abilities Measures

- Cognitive Assessment System for Children (CAS).
- California Verbal Learning Test-II Children's Version.
- Differential Ability Scales (DAS II).
- Kaufman Assessment Battery for Children 2nd Ed (KABC-II).
- NEPSY: A Developmental Neuropsychological Assessment.
- Process Assessment of the Learner II (PAL-II): Test Battery for Reading and Writing.
- Wechsler Intelligence Scale for Children 4th Edition Integrated (WISC-IV Integrated).
- Woodcock Johnson Test of Cognitive Abilities (WJ III Cog).

Processing Speed

Rapid Automatized Naming/Rapid Alternating Stimulus Test (RAN/RAS).

Executive Functions

- Behavior Rating Inventory of Executive Functions (BRIEF).
- Delis Kaplan Executive Function System.

Phonological Processing

- Comprehensive Test of Phonological Processing (CTOPP).
- Lindamood Auditory Conceptualization Test.
- SCAN-C Test for Auditory Processing Disorders in Children Revised (SCAN-C-R).
- Test of Auditory Processing Skills.

Visual Processing

- Benton Visual Retention Test Revised (BVRT).
- Developmental Test of Visual Perception for Adolescents and Adults.
- · Test of Visual Perception Skills.

Orthographic Processing

- Test of Irregular Word Reading Efficiency (test for orthographic processing), Nancy Mather.
- Kauffman Test of Educational Achievement (KTEA-II) Word Recognition Fluency Test.
- Test of Silent Word Reading Fluency.

Working Memory

- Wechsler Memory Scale for Children 3rd Ed (WMS-III).
- Working Memory Test Battery for Children,
- Woodcock-Johnson Interpretation and Instructional Interventions Program (WIIIP) .

Oral Motor Production Processing

- PAL-II Rapid Naming Tasks.
- Delis-Kapalan Word Reading Task.
- CTOPP Rapid Naming Task.
- NEPSY II-Speeded Naming.
- KTEA-II Naming Facility.

NOTE: The following tests may be used to confirm professional judgments; however, they are not technically adequate for documenting a deficit in basic psychological processes.

Wisconsin Card Sorting Test, Revised and Expanded.

- Ray Osterreith Complex Figure Drawing How an individual organizes information, executive processing.
- Conners Continuous Performance Test 3rd Edition.
- · Ross Information Processing Assessment.

Note: At this time none of the following tools are technically adequate to determine whether areas of psychological processing are below average relative to same age peers. Some trained practitioners will find them helpful in making professional judgments or interpreting other standardized test results.

- Psychological Processing Checklist (PPC). This tool was designed as a screener for developing interventions but should not be used as a sole source of data for the eligibility determination.
- Learning Disabilities Diagnostic Inventory (LDDI). Independent reviews suggest that
 when used as a screener this tool may miss up to 43 percent of students that are truly
 SLD.
- Neuropsychological Observation Checklist (Hale & Fiorello, 2008).

Empirical Relationship between Achievement and Information Processing Ability

This table presents each area of inadequate achievement empirically linked with areas of likely information processing deficits. Where appropriate the Cattel - Horn - Carroll (CHC) abilities (for an explanation of CHC abilities see the Cattell - Horn - Carroll (CHC) Cognitive Abilities-Achievement Meta-Analysis project at http://intelligencetesting.blogspot.com) have been included so that assessment teams may more easily select the appropriate domains to assess.

Table 8-3

Domains of Achievement and Their Related Information Processing Abilities.

Skill	Information Processing Ability / Stage of Development						
Oral Language	Working memory.						
	Processing speed.						
Listening	Auditory working memory.						
Comprehension	Processing speed.						
	Auditory short-term memory.						
Basic Reading Skills	 Phonetic coding (Ga) phonological awareness - very important in elementary years. 						
	 Naming facility and associative memory (GIr) - very important during elementary years. 						
	 Memory span (Gsm) - important, especially when evaluated within the context of working memory. 						
	 Perceptual speed (Gs) - important across all ages, particularly in elementary school. 						
	Orthographic processing (Gv) - important especially in early elementary years. Indicated by poor visual tracking and/or motion sensitivity.						
	Successive processing—(Dehn, 2006).						
	 Verbal working memory - best predictor of ability to identify letters for young students (Webster, Plante, & Couvillion, 1997). 						
Reading Fluency	 Naming facility and associative memory (Glr) - very important during the elementary years. 						
	 Phonetic coding (Ga) phonological awareness - important during elementary years. 						
	 Perceptual speed (Gs) is important across all ages, particularly in elementary school. 						

Skill	Information Processing Ability / Stage of Development							
Reading Comprehension	Language development, lexical knowledge, and listening ability (Gc) become increasingly important with age.							
	 Inductive and general sequential reasoning (Gf) play a moderate role in reading comprehension. 							
	 Morphological awareness is showing some influence in the late identified reading disabilities. 							
	Working memory.							
	Self-monitoring.							
Written Expression	 Inductive and general sequential reasoning (Gf) impacts the fluency aspect of writing as well as more general writing ability across all ages. 							
	 Phonetic coding (Ga) or phonological awareness is very important during elementary years (primarily before age 11) for both basic writing skills and written expression. Automaticity in spelling lays the foundation for higher level writing skills. 							
	 Naming facility (GIr) or rapid automatic naming has demonstrated relations with written expression, primarily the fluency aspect of writing. 							
	 Memory span (Gsm) is important to writing, especially spelling skills whereas working memory has shown relations with advanced writing skills (e.g., written expression). 							
	 Perceptual speed (Gs) is important across all ages, particularly in elementary school. 							
	 Orthographic processing and morphological awareness [there is increasing support for these two abilities and their impact on spelling and basic writing abilities]. 							
	Executive processing and planning (Dehn, 2006).							
	 There is limited evidence that lexical knowledge, language development and general information also contribute to written expression; however, more research needs to be conducted. 							
Math Calculations	 Inductive and general sequential reasoning (Gf) are consistently very important at all ages. 							
	 Memory span (Gsm) is important especially when evaluated within the context of working memory. 							
	Perceptual speed (Gs) is important across all ages, particularly in elementary school.							

Skill	Information Processing Ability / Stage of Development
Math Problem Solving	 Inductive and general sequential reasoning (Gf) are consistently very important at all ages.
	Language development, lexical knowledge, and listening ability (Gc) become increasingly important with age .
	 Perceptual speed (Gs) is important across all ages, particularly in elementary school.
	 Memory span (Gsm) is important, especially when evaluated within the context of working memory.
	 Visual Processing (Gv) may be important primarily for higher level or advanced mathematics (geometry, calculus).
	 Long-term memory capacity (Glr) may be important in predicting mathematical problem-solving accuracy beyond that predicted by memory span and processing speed. More research studies are needed in this area.

--Adapted from Flanagan, Ortiz, Alfonso, & Mascolo (2007). For an explanation of CHC abilities see the *Cattell - Horn - Carroll (CHC) Cognitive Abilities-Achievement Meta-Analysis* project at http://intelligencetesting.blogspot.com. The CHC codes are in parentheses following the names for each ability.

Collecting Data on Cognitive or Intellectual Functioning

Historically, the rationale for assessing cognitive or intellectual functioning was to determine that a lack of achievement was unexpected. Teams using a system of SRBI to document eligibility must ask whether it is appropriate to fully assess cognitive or intellectual functioning. Each comprehensive evaluation must consider the student as a single case. Some have suggested that measures of adaptive behavior used in determining Developmental Cognitive Disability (DCD) provide adequate data to rule out questions of inadequate intellectual ability. **However, this practice is not recommended.** Data from adaptive measures may overestimate a student's abilities, as they are better measures of social maturity and independence than cognitive potential.

Brief intellectual assessments provide convergent data for average or above intellectual performance and may be helpful in circumstances where bias or uncertainty regarding student abilities exists. Therefore, weigh the cost/benefit of conducting a brief or full cognitive/intellectual assessment. One consideration is whether brief measures adequately gauge IQ over more comprehensive measures. Brief IQ measures do not provide an adequate measure of information processing.

The Cattel-Horn-Carroll Theory of Intelligence (CHC), currently the most comprehensive and empirically supported theory of the structure of cognitive/intellectual functioning and academic abilities, is appropriate for discrepancy calculation. Derived from synthesizing hundreds of factor analytic studies, CHC is the guiding framework from which all intellectual assessments have been based since 2000.

The structure is composed of broad and narrow abilities. Broad abilities are "basic constitutional and long standing characteristics of individuals that can govern or influence a great variety of behaviors in a given domain" (Carrol, 1993 p. 634). Narrow abilities

"represent greater specialization of abilities, often in quite specific ways that reflect the effects of experience and learning, or the adoption of particular strategies of performance" (Carroll, 1993 p. 634). The *Planning, Attention, Simultaneous, and Successive (PASS) Theory* also provides a reasonable alternative.

Cross-Battery assessment has guided the organization, selection, and interpretation of assessments across intelligence batteries. Use Cross-Battery to generate scores of intellectual functioning and information processing.

Important: The following lists of assessments are not exhaustive or meant to convey an approval for identification. Teams may not be familiar with all the assessments in the following lists. Professionals have an obligation to familiarize themselves with tests that they may not regularly use. Testing manuals, peer-reviewed articles or independent reviews conducted by Burros Mental Measurements Yearbook may be helpful in determining the intended uses, strengths, limitations, and interpretive guidance for otherwise unfamiliar tests.

Examples of Standardized Measures of Intellectual Abilities used by Psychologists or Specially Trained Personnel

- Cognitive Assessment System (CAS).
- Comprehensive Test of Nonverbal Intelligence (CTONI).
- Differential Abilities Scales-II (DAS-II) (Appropriate for students with cultural or linguistic differences and young children. Research indicates this test has the smallest differences across ethnic groups.)
- Kaufman Adolescent and Adult Intelligence Test (KAAIT).
- Kaufman Assessment Battery for Children 2nd Edition (KABC-2).
- Reynolds Intellectual Assessment Scales (RIAS) (Research indicates scores may be inflated compared with more traditional measures, see Edwards & Paulin, 2007).
- Stanford-Binet V (SB-V).
- Wechsler Adult Intelligence Scale (WAIS-III).
- Wechsler Intelligence Scale for Children 4th Edition (WISC-IV).
- Wechsler Pre-school and Primary Scale of Intelligence 3rd Edition (WPPSI-3).
- Woodcock Johnson III Test of Cognitive Abilities (WJ-III Cog.) (Most comprehensive measure of CHC theory.)



Quality Practices in Designing Comprehensive Evaluations for Young Children

This section focuses on young students approximately kindergarten age and older advancing on to elementary settings. Students participating in systematically implemented research-based interventions are typically identified in the latter part of the kindergarten year.

A comprehensive assessment is essential for the identification of SLD in young students and calls for the careful consideration and selection of assessment instruments. The assessment of young students is complicated by factors related to their personalities and development. While significant research exists on identifying children at high risk for SLD at ages 3 and 4, literature for assessing and diagnosing preschool students is fraught with caveats.

Consider the following during selection of tools and sources of data in order to meet SLD criteria:

- · Validity and reliability of existing data.
- Data necessary for:
 - Ruling out alternative explanations for the inadequate achievement.
 - Understanding the underlying causes of inadequate achievement.
 - Meeting remaining eligibility criteria and designing instruction.
- Tests designed to collect standardized assessment data. Use screening batteries or narrow measures of achievement when comprehensive measures are lacking; however, do not use them to calculate the discrepancy. Teams may decide to continue to administer these types of assessments because they do provide relevant instructional information.
- Norming group information, available scores, reliability and validity of data, and the use and interpretation of the scores for the student's age level (Salvia & Ysseldyke, 1988).

Include team members who are knowledgeable about Early Childhood Special Education (ECSE) eligibility assessment and SLD. The ECSE evaluation may include assessment of developmental levels in the following skill areas: cognitive (pre-academic), social, motor, adaptive and communication. Use this information to identify areas of weakness or underlying causes of learning difficulties and in forming a hypothesis that guides the assessment process.

Cautions in the Assessment of Young Students

The following are examples of potential problems in the assessment of young students.

- A wealth of systematic research-based interventions exists in K-3, yet the research base
 prior to kindergarten continues to emerge. Peer norms for progress monitoring of
 interventions delivered in pre-school settings are not yet established. Without adequate
 documentation of systemic implementation of SRBI practices, determination of eligibility
 from intervention data collected prior to kindergarten is likely not possible.
- Be cautious when interpreting scores resulting from standardized tests of intellectual ability and academic achievement for students under age 5. Careful analysis of test norming information is critical, and consulting technical manuals is imperative.
- Include consideration of maturation and development through observing the student's behavior in typical settings, such as home, school and community. Staff must be knowledgeable and experienced not only in early childhood development but also in the use of anecdotal records, behavior rating scales, and functional assessment.
- Pay attention to the student's developmental history, including appropriate medical information such as birth trauma, low birth weight, lack of oxygen, etc. In addition, evaluate present performance levels in speech and language development, motor skills, social competence, conceptual development and abstract reasoning abilities.
- Various manifestations of learning disabilities may be seen in the same student at different ages and as a result of different learning demands. Learning disabilities are often first manifested as specific deficits in language and speech development, and other behaviors for some pre-school students. Marked discrepancies in abilities may be temporary and are resolved during the course of development or within the application of the intervention. For other young students, marked discrepancies persist within and among domains or show continued poor response to well-designed interventions, necessitating the student's referral for special education assessment.
- If a young student receives a raw score of zero on a valid and reliable standardized achievement test, there is typically a corresponding standard score. If the team questions the validity of the derived standard score, further assessment may be necessary using a supplemental test. Results are reported as standard scores, have a standard deviation of ±15, and used are to compute a severe discrepancy.
- When making discrepancy calculations, use the Full Scale IQ score or General Ability Index score. The following caution from Sattler (1988) remains relevant to this day and requires professionals' consideration: "Generally, whereas IQs obtained prior to 5 years of age must be interpreted cautiously, IQs tend to remain relatively stable from kindergarten on ... The IQ of any given student may change as much as 20 points, but for most children measured intelligence remains relatively stable after 5 years of age ... In spite of high test-retest correlation in assessing individuals it is necessary to conduct frequent and periodic testing if test scores are to be used for guidance or placement decisions".

Setting the Stage for Assessing Young Children

During the assessment process, create a hypothesis about the area of achievement and information processing weakness. Use only valid and reliable data to make the eligibility decision. Be aware of effects on the validity of test scores and testing procedures used, since young students:

- Are sensitive to their surroundings and therefore may be easily distracted.
- Are influenced by their comfort level with the assessor.
- Should be assessed in a variety of situations.
- May have rapid developmental change.
- May have a limited interest in being assessed.
- Experience more rapid neuro-biological changes than older students.
- Have limited communication skills that may interfere with their understanding and/or responses.
- May be distractible and have a short attention span that could affect their responses.
- May have separation issues with parents making assessment difficult.
- May be noncompliant or have poor understanding of social relationships that may affect performance (McLean, Bailey, and Wolery, 1996).

Transitioning from Developmental Delay to SLD

Students who are aging out of Developmental Delay (DD) to a specific disability category under Minnesota Rule 3525.1350, subp. 3 Part B must have a re-evaluation to determine eligibility for a categorical disability prior to the child's seventh birthday.

Important: When a student already receives special education services but is identified under a new disability category, the team will conduct a re-evaluation in terms of due process, but the student must meet initial eligibility criteria for the new disability category. This means that a student with a developmental delay must meet initial SLD eligibility criteria set forth under Minnesota Rule 3525.1341 in any one or more of the eight areas. A student is not required to meet eligibility criteria in all areas of academic need in order to receive specially-designed instruction. Teams must ensure the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified according to 34 CFR 300.304 (c)(6).

If students are transitioning from Developmental Delay to SLD eligibility and the school is exercising its choice to use criteria ABD for the re-evaluation, then data gathered on response to interventions provided in special or regular education program may be used. Students receiving services for DD should already have their progress monitored as part of the IEP in each area of academic, social/emotional, or behavioral concern. This data can be

used as part of documentation of eligibility for criteria ABD.

The Early Childhood transition process should ensure that:

- Team members have adequate information about the young student (if possible, by the
 beginning of the school year), to feel confident providing services in an elementary
 setting. Obtain data such as progress monitoring from pre-referral interventions if the
 student demonstrates inadequate achievement in a skill possibly related to a
 developmental delay, but which is not served by special education services. For example,
 provide reading intervention services to students experiencing delays in language
 development.
- Teams involved in the transition process may include members from ECSE, SLD, Early Childhood and Family Education (ECFE), community preschool staff, kindergarten staff. Parents must participate.
- Calendar timelines allow for appropriate planning, assessment, and IEP development as long as the student has transitioned from Part C to Part B by their seventh birthday.



Quality Practices in Designing Comprehensive Evaluations for Learners with Cultural and Language Differences

Few tasks are more difficult for school psychologists than evaluating the cognitive abilities and intellectual functioning of individuals who are culturally and linguistically diverse. The inadequate training many have to assess the abilities of such individuals can be one reason for the disproportionate representation of minority groups in special education and the possible misidentification of some of these students as having a disability. Likewise, inappropriate evaluation can also lead to under-representation, so that some individuals who have disabilities and are in need of services are not identified.

Compared with assessments of English-speaking students raised in mainstream U.S. culture, the process of assessment of students with language or cultural differences is anything but straightforward. Among other things, it is hampered by the lack of appropriate tools. The requirement in IDEA 2004 represents an intent to draw attention to the goal of non-discriminatory assessment. Valid and reliable assessment tools methods, procedures, and processes employed in the evaluation of diverse students carries with it some degree of bias. Additionally, individuals administering and interpreting the results may carry hidden biases. Although the intentions of an evaluation are reasonably clear, nondiscriminatory assessment requires special procedures and care.

Goals of Nondiscriminatory Assessment

The framework from Ortiz (2002) makes it clear that nondiscriminatory assessment is more than selecting the "right" test or providing native language evaluation. The emphasis is placed on working in a systematic manner because reducing bias is accomplished only when actions are taken in an appropriate way and in an appropriate sequence. When attempts to reduce the discriminatory aspects of evaluation are marred by modifications or changes in the normal evaluative process, the results cannot be readily interpreted. Although the focus of this section is on intellectual assessment, particularly the use of standardized tests, in the course of such evaluations, remember that testing forms only one part of the overall framework for conducting nondiscriminatory assessment.

Nondiscriminatory assessment is viewed in the larger sense as a process designed to reduce disproportionate representation, the actual goal has more to do with differentiating cultural and linguistic difference from a disability under IDEA. It is important to understand that the focus of nondiscriminatory assessment rests on the issue of fairness and equity and should not be seen as methods that are simply intended to promote more racial balance in special education. In this sense, true nondiscriminatory assessment may be used for all students, not just those who are culturally and linguistically diverse. Professionals engage in these practices because they result in better evaluations and consequently better decisions about educational programming, not because they meet legal requirements or change the ethnic composition of students in special education.

Providing the type of evaluation that is necessary and required is too often seen as the search for the "right" tool or the "best" method. Because of the obvious nature of communication, most of the attention given to attempts at reducing bias in assessment is related to language. A great deal of concern is paid to methods that will provide an evaluation that is conducted in the student's native language. This notion is perhaps reinforced by another specification in IDEA 2004 that requires agencies to "provide and administer assessments in the student's native language, including ensuring that the form in which the test is provided or administered is most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer the assessment in this manner."

This mandate actually expands the old provision for nondiscriminatory assessment but the wording regarding "native language" often misdirects evaluation efforts toward native language assessment as the primary strategy for providing a fair evaluation. Language usually is the presenting problem but the cultural aspects of evaluation must be paid at least equal attention. In fact, it has been suggested that cultural issues, not linguistic ones, represent the most important factors in being able to conduct fair assessments and that evaluation in the student's native language often does little to reduce actual bias (Flanagan & Ortiz, 2001; Rhodes, Ochoa, & Ortiz, 2005).

Framework for Intellectual Assessment with ELL Learners

This section provides a framework to plan and carry out a nondiscriminatory evaluation of intellectual ability for ELL students.

Important: Examples of screening measures have been provided in the following tables as illustrative examples for districts. Although many of the following measures have been reviewed by the National Center for Student Progress Monitoring, **examples are not endorsed by the Minnesota Department of Education and are subject to change.**

Framework Summary

- 1. Review existing information on the student's language background, language proficiency, culture, and educational history. Use tools and questions found in the *Reducing Bias in Special Education Assessments* manual or in Chapter 7: Suspicion of Disability of this manual.
- 2. Based on information on language proficiency and prior education, plot results on the Multidimensional Assessment Model for Bilingual Individuals (MAMBI). Identify the modes of intellectual assessment that are most likely to yield fair estimates of ability.
- 3. Use the *Culture-Language Test Classification matrix (C-LTC)* to select the most appropriate instruments (or subtests if using a Cross-Battery approach).

- 4. For instruments administered in such a way that standardization is valid, use the *Culture-Language Interpretive Matrix (C-LIM)* to plot and interpret results. See Chapter 9: Interpretation of Data.
- 5. Use at least one additional procedure (i.e., an optional mode of assessment recommended on the Multidimensional Assessment Model for Bilingual Individuals (MAMBI)) and/or testing-of-limits procedures.

Framework Details

1. Review and collect background information.

Formal assessment of intellectual ability is not the first step in the evaluation process. Teams should engage in a series of data-gathering efforts before using standardized tests. The information to be sought prior to the evaluation of cognitive abilities is crucial in setting the context for interpreting results fairly.

Of the various types of information collected, the most important are those which relate to the student's level of acculturation and English language proficiency (conversational and advanced language capabilities as compared to native speakers). Teams often overestimate the level of acculturation or English language proficiency of students. Background information gathered should be used to determine how "different" the student is from the mainstream because the degree of difference impacts the expectations for performance on tests, such as "slightly different," "different," or "markedly different."

2. Select assessment mode using MAMBI.

Psychologists may use the *Multidimensional Assessment Model for Bilingual Individuals* (MAMBI; Ochoa & Ortiz, 2005) to select appropriate assessment methods and materials. MAMBI is designed to provide guidance on the "most appropriate" modality of assessment, and the use of native language, English-only, nonverbal, or bilingual tests and methods. "Most appropriate" is to the method that is likely to yield the most fair and non-discriminatory estimates of actual ability assuming that standardization is maintained in the administration of the test.

MAMBI assists in balancing and integrating decision factors when using tests. It brings together the important variables in decisions such as students':

- Current level of language proficiency both in English and the native language.
- · Current grade placement.
- Current or previous educational program.

The integration of these factors using the MAMBI make it easier to determine the best assessment and least discriminatory modality for assessment as well as what other modes might provide valuable information.

Use of the MAMBI requires the ability to place the student into one of three categories for each language: minimal (Cognitive/Academic Language Proficiency levels 1-2), emergent (CALP level 3), and fluent (CALP levels 4-5). It then generates a "language profile." These levels correspond to the student's ease in performing classroom tasks as follows:

Minimal	CALP Levels 1-2	Classroom tasks are impossible or extremely difficult.
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Emergent	CALP Level 3	Classroom tasks can be done with support.
Fluent	CALP Levels 4-5	Classroom tasks can be done with decreasing support and at a level of mastery that is similar to native speakers.

Case Example:

Juan D. tests "minimal" in the native language (L2) and "emergent" in English (L1), which gives him a Language Profile 4 (L1 minimal/L2 emergent). The preliminary stages of assessment reveal that this fourth grader received formal education in English (with or without ESL support). Interpretation of the section of the MAMBI that corresponds to his language profile and educational information indicate that the nonverbal assessment is the best modality most likely to yield the fairest estimate of his ability. This makes sense primarily because his language development is slightly better in English than Spanish, but both are limited in development. Using only verbal tests is unfair in either language. However, because of Juan's better development in English, testing in L2 (English) may be valuable, but results would be more biased than those obtained from a nonverbal approach.

See Appendix for an example of the MAMBI. A wide variety of tests are available to measure a broad range of abilities in English (or L2). Native language tests may not yet be available when native language testing (L1) is recommended. When this happens, use a translator or interpreter. Remember to consider the BVAT, which is currently available in 16 languages, and various other tests in Spanish (Bateria III; WISC-IV Spanish), for testing L1. See Additional Procedures for more information.

Use a language-reduced test and administration format to accomplish nonverbal assessment using pantomime (such as with the UNIT) and other similarly language-reduced instruments, such as the Nonverbal Index from the KABC-II, the Leiter-R, C-TONI, etc.

Important: Use of nonverbal tools and methods does not automatically render the results valid. Less biased interpretation of the results from any test, irrespective of the modality, requires use of other procedures such as the C-LIM described later in this section.

Bilingual Assessment vs. Assessment of Bilinguals

A true "bilingual assessment" is carried out by a bilingual professional with access to valid assessment tools in all of the languages spoken by the student and administers these tools in a bilingual (or multilingual) manner. However, this rarely occurs due to a lack of appropriate tools and bilingual practitioners. Even when it is accomplished, no guidelines and standards for what constitutes best practices in true "bilingual" evaluation exist. Often the term bilingual is used when the evaluation is in fact monolingual in nature. Assessment of students in their native language only is not "bilingual." When using a native language instrument, maintaining standardization is only necessary if the student's background matches the norming sample and the assessor meets the professional and linguistic requirements. If these conditions are not met, testing of limits procedures should be liberally employed in order to evaluate and estimate the individual's abilities in the fairest manner possible.

Most assessments are conducted in English using English-language tools, known as "assessment of bilinguals." Adhere to the standardized instructions and administration guidelines because C-LIM can only be used to analyze and interpret the results when standardization is maintained.

3. Select Instruments using the Culture-Language Test Classification (C-LTC)

The Culture-Language Test Classification (C-LTC) and Culture-Language Interpretive Matrix (C-LIM) seamlessly integrate with MAMBI and provide an additional means of reducing bias in the assessment of intellectual ability.

Use C-LTC after choosing the assessment modality using the MAMBI to "hand pick" the tests that measure the constructs of interest with the least amount of cultural loading or linguistic demand and bias leading to fairest evaluation of the student's abilities. Because it is impossible to assess all cognitive abilities with tests that are low in culture and low in language loading, use C-LIM to analyze test results and reduce bias in interpretation.

The C-LTC categorizes subtests of commonly used instruments along two dimensions: degree of language skill demanded by items, and degree of cultural knowledge required for successful task completion. Subtests are rated as low, medium, or high on both dimensions. Quick examination of the C-LTC shows a range of linguistic and cultural demand among both verbal and nonverbal subtests.

MAMBI helps evaluators select the assessment modality. C-LTC helps to select the fairest tests within that modality. Culture-Language Interpretive Matrix (C-LIM) helps interpret the results obtained from that modality. C-LIM was designed primarily for tests administered in English (including non-verbal administrations) integrated with any test or battery, and is not dependent on the CHC Cross-Battery assessment or the MAMBI. However, maintain standard protocol when using C-LIM.

Research is emerging on the use of these tools developed in other languages.

Native Language Assessment and Use of Interpreters

Valid psycho-educational instruments are available in only a few languages other than Spanish and are either translated or redeveloped and normed in the U.S. or elsewhere with monolingual or bilingual populations.

For students who are English Language Learners, a team may administer Englishlanguage tests with the help of an interpreter who:

- Interprets directions for the student.
- Interprets practice items or provides additional practice items.
- Interprets actual test items.
- Records responses given in native language to items that are posed in English.

Administration of an English-language test in native language through an interpreter is neither "bilingual assessment" nor "assessment of bilinguals" (see page 40), and is more structurally similar to assessment of bilinguals because the norms of an English-language test are based on English speakers. Comparisons of performance are made relative to this population, not a native-speaking one. Because the student is accorded native language instructions, this advantage makes it difficult to compare performance against similar individuals who were not provided the same benefit.

When an interpreter is required, administer the evaluation in English first and then in the native language. Follow standard protocol closely for the English test. Flexibility in administration is permitted for the native language administration and testing of limits. The interpreter's primary role is to translate instructions and responses for both verbal and nonverbal tests. However, because the standard protocol is violated during ongoing translation, interpreters may help with meaning or purpose of a task to ensure best performance.

Conducting assessments in this manner allows student performance on the first administration to be analyzed for cultural and linguistic influences. When followed by administration of the same test in the native language, a comparison can be made between performance on the former and the latter. Individuals with learning difficulties are unlikely to appreciably change their performance so that any observed "practice effects" can be attributed to either better comprehension of the language (due to the change in administration) or intact ability that benefited from the prior practice. In either case, it provides valuable diagnostic information relative to whether the individual has a disability—the central question to any evaluation.

Choosing Instruments

KABC-II likely is a good instrument for assessment since it contains a relatively wide-range of abilities represented on the battery as a whole and provides composite scores that follow the C-LIM principles. It also provides fairer estimates of performance as a function of the student's "difference."

Use the following subtests of the KABCII under these conditions:

- Fluid Crystallized Index (FCI) Student is slightly different in terms of language and culture. FCI is based on all age-appropriate subtests in the battery.
- Mental Processing Composite (MPC) Student is moderately different, MPC eliminates
 the most highly culturally loaded and linguistically demanding subtests from the results
 (no Gc).
- Nonverbal Index (NVI) Student is markedly different. The best estimate of performance, further reducing the inherent cultural loadings and linguistic demands of the component tests.

KABC-II is a good choice when native language tests are unavailable; it allows significant mediation, explanation, and practice of the task prior to the administration of the actual items. Even when native language tests are available, the KABC-II provides variable composites systematically related to cultural and linguistic issues as well as flexibility in administration that would make it a good fit for English-first, native-second administrations. The availability of a native-language test that is parallel to an English-language version (i.e., WJ III/Bateria III or WISC-IV/WISC-IV Spanish) accomplishes the same goals, but these may not be as flexible in administration and may not have the advantage of composites.

Additional Procedures

IDEA 2004 reiterates that identification of students with disabilities must be based on use of multiple assessment procedures. This principle is even more important when evaluating students of diverse cultural and linguistic backgrounds. It is recommended that at least two procedures to evaluate intellectual ability be used, such as:

- Standardized administration.
- One or more of the secondary modes of assessment recommended on the MAMBI.
- Testing-of-limits procedures, which could include the assistance of an interpreter.

The purpose of multiple procedures is to confirm the evaluation results and to explore questions and issues that emerging from the initial assessment. For this reason, the initial assessment should be based on the recommendations in the MAMBI and Culture-Language Test Classification (C-LTC), and then use the Culture-Language Interpretive Matrix (C-LIM) to interpret the results, when appropriate. Select any appropriate additional procedures based on these preliminary results.

Next Steps

This chapter provided guidance on the process of gathering data for conducting a comprehensive evaluation. It also listed an array of tools teams may choose from to assist these efforts. The next chapter will discuss how to integrate and interpret the multiple sources of data that teams collect during a comprehensive evaluation, so that they can develop a coherent picture of student performance leading to an eligibility determination.

Table 8-4

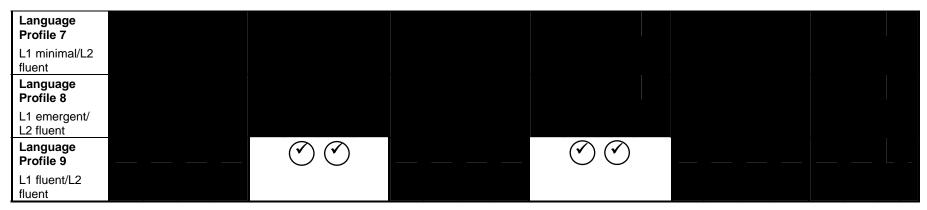
Guiding Questions

Guiding Question	Existing Data	Information Needed
How has the team determined the student has had sufficient access to high quality instruction and the opportunity to perform within grade-level standards?		
What supplemental efforts, aligned with grade- level standards, were implemented to accelerate the student's rate of learning and level of performance?		
What, if any, modifications or accommodations are being made within core instruction to enable the student to access content standards?		
What has and has not worked to increase access and participation in core instruction (the general education environment)?		
What educational performance/achievement continues to be below grade-level expectations?		
What factors limit performance? What supplemental efforts have been successful in mediating the impact?		
What about the student's profile leads the team to suspect a disability and the need for special education and related services?		
How is the student limited from making progress toward grade-level standards?		

Appendix

The Multidimensional Assessment Model for Bilingual Individuals (MAMBI) Created by Ochoa & Ortiz, 2002

Instructional Program/ History	Currently in a bilingual education program, in lieu of or in addition to receiving ESL services							Previously in bilingual education program, now receiving English-only or ESL services							All instruction has been in an English- only program with or without ESL services									
Current Grade		K.	- 4			5 -	- 7			K	- 4		5 – 7				K - 4				5 - 7			
Assessment Mode	NV	L1	L2	BL	NV	L1	L2	BL	NV	L1	L2	BL	NV	L1	L2	BL	NV	L1	L2	BL	NV	L1	L2E	3L
Language Profile 1	\bigcirc	<u> </u>		<u>✓</u>	\bigcirc	<u>√</u>		<u>✓</u>	\bigcirc	<u> </u>		<u>✓</u>	\bigcirc		<u> </u>	<u> </u>	\bigcirc		<u>√</u> *	<u> </u>	\odot		<u>~</u>	₹
L1 minimal/L2 minimal																								
Language Profile 2	\bigcirc	✓		<u>✓</u>	\bigcirc	<u>✓</u>		<u>✓</u>	\bigcirc	<u>✓</u>		 ≺	\bigcirc		<u>✓</u>	<u>✓</u>	\bigcirc	<u>✓</u>	<u>√</u> *	<u> </u>				
L1 emergent/ L2 minimal																								
Language Profile 3		\bigcirc				\bigcirc	<u>✓</u>			\bigcirc				\bigcirc	<u>✓</u>									
L1 fluent/L2 minimal																								
Language Profile 4	\bigcirc				\bigcirc	<u> </u>			\bigcirc		<u> </u>		(<u> </u>		\bigcirc		<u>✓</u> #		\bigcirc		<u>✓</u>	
L1 minimal/L2 emergent																								
Language Profile 5	\bigcirc	<u> </u>		<u> </u>	\bigcirc	<u> </u>	<u> </u>	<u>✓</u>	\bigcirc	<u> </u>	<u> </u>	<u> </u>	(<u> </u>	<u> </u>	<u>✓</u>	\bigcirc	<u>✓</u>	<u>✓</u> #	<u> </u>	\bigcirc		<u>✓</u>	4
L1 emergent/ L2 emergent																								
Language Profile 6		\bigcirc				\bigcirc	<u>✓</u>			\bigcirc	<u>✓</u>			\bigcirc	<u>✓</u>									-
L1 fluent/L2 emergent																								



CALP Level 1-2 = minimal proficiency; CALP Level 3 = emergent proficiency; CALP Level 4-5 = fluent level of proficiency.

- **NV** = assessment conducted primarily in a nonverbal manner with English language-reduced/acculturation-reduced measures.
- L1 = assessment conducted in the first language learned by the individual (i.e., native or primary language).
- **L2** = assessment conducted in the second language learned by the individual, which in most cases refers to English.
- **BL** = assessment conducted relatively equally in both languages learned by the individual (i.e., the native language and English).
- = combinations of language development and instruction that are improbable or due to other factors (e.g., Saturday school, foreign-born adoptees, delayed school entry).
- = recommended mode of assessment that should take priority over other modes and which would be more likely to be the most accurate estimate of the student's true abilities.
- = secondary or optional mode of assessment that may provide additional valuable information, but which will likely result in an underestimate of the student's abilities.
- <u>✓</u> = this mode of assessment is not recommended for students in K-2, but may be informative in 3-4; results will likely be an underestimate of true ability.
- ✓ = this mode of assessment is not recommended for students in K-1, but may be informative in 2-4, however, results will likely be an underestimate of true ability.

Rubrics for Reading Prosody

Example 1: Multidimensional Fluency Scale for Reading Prosody

Area	1	2	3	4		
Expression and Volume	Reads as if just trying to "get words out." Little sense of trying to make text sound like natural language. Tends to read in a quiet voice.	Begins to use voice to make text sound like natural language in some areas but not in others. Focus remains largely on pronouncing words. Still reads in a quiet voice.	Makes text sound like natural language throughout the better part of the passage. Occasionally slips into expressionless reading. Voice volume is generally appropriate throughout the text.	Reads with good expression and enthusiasm throughout the text. Varies expression and volume to match his or her interpretation of the passage.		
Phrasing	Reads in monotone with little sense of phrase boundaries; frequently reads word-by-word.	Frequently reads in two- and three- word phrases, giving the impression of choppy reading; improper stress and intonation fail to mark ends of sentences and clauses.	Reads with a mixture of runons, midsentence pauses for breath, and some choppiness; reasonable stress and intonation.	Generally reads with good phrasing, mostly in clause and sentence units, with adequate attention to expression.		
Smoothness	Makes frequent extended pauses, hesitations, false starts, soundouts, repetitions, and/or multiple attempts.	Experiences several "rough spots" in text where extended pauses or hesitations are more frequent and disruptive.	Occasionally breaks smooth rhythm because of difficulties with specific words and/or structures.	Generally reads smoothly with some breaks, but resolves word and structure difficulties quickly, usually through self- correction.		
Pace	Reads slowly and laboriously.	Reads moderately slowly.	Reads with an uneven mixture of fast and slow pace.	Consistently reads at a conversational pace; appropriate rate throughout reading.		

NAEP's Integrated Reading Performance Record Oral Reading Fluency Scale

Level 4	Reads in primarily large, meaningful phrase groups. Although some regressions, repetitions, and deviations from text may be present, these do not appear to detract from the overall structure of the story. Preservation of the author's syntax is consistent. Some or most of the story is read with expressive interpretation.
Level 3	Reads primarily in three or four word phrase groups. Some smaller groupings may be present. However, the majority of phrasing seems appropriate and preserves the syntax of the author. Little or no expressive interpretation is present.
Level 2	Reads primarily in two-word phrases with some three- or four-word groupings. Some word-by-word reading may be present. Word groupings may seem awkward and unrelated to larger context of sentence or passage.
Level 1	Reads primarily word-by-word. Occasional two- or three-word phrases may occur, but these are infrequent and/or do not preserve meaningful syntax.

From *Listening to Children Read Aloud* by U.S. Department of Education, National Center for Education Statistics. 1995, Washington, D.C.

References

This section lists reading and tools for assessing cultural and linguistically diverse learners, and articles, books and publications on nondiscriminatory assessment. To assist the reader the references have been clustered by topic.

General Suggested Readings

- Carroll, J. (1993). *Human cognitive abilities: A survey of factor-analytic studies.* Cambridge, U.K. Cambridge University Press.
- Rhodes, R. L., Ochoa, S.H., & Ortiz, S. O. (2005). Assessing Culturally and Linguistically Diverse Students: A Practical Guide.
- Flanagan, D.P., Ortiz, S.O., & Alfonso, V.C. (2007). Essentials of Cross-Battery Assessment. John C. Wiley and Sons.

Suggested Readings for Cognitive and Intellectual Functioning

- Carroll, J. (2005). The three stratum theory of cognitive abilities. In D.P. Flanagan, J. L. Genshaft, & P.L. Harrison, (Eds.), *Contemporary intellectual assessment: Theories, tests and issues* (pp. 69-76). New York Guilford.
- Edwards, O. & Paulin, R. (2007). Journal of Psychoeducational Assessment Vol. 25 (4).
- Flanagan, D. Oriz, S. & Alfonso, V. (2007). *Essentials of Cross-Battery Assessment Second Edition*. Kaufman, A. & Kaufman, N. Series Editors. John Wiley and Sons, Inc.
- Flanagan, D.P., Ortiz,S., Alfonso, V., & Mascoolo. (2006). *The Achievement Test Desk Reference: A Guide to Learning Disability Identification*, (2nd Ed) Boston: Allyn & Bacon.

Suggested Readings for Conducting Information Processing Assessments

- Dehn, M. (2006). Essentials of Processing Assessment. Hoboken, NJ: John Wiley and Sons, Inc.
- Flanagan, D.P., Ortiz, S.O., & Alfonso, V.C. (2007). Essentials of Cross-Battery Assessment. John C. Wiley and Sons.
- Hale, J. & Fiorello, C. (2004). *School Neuropsychology: A Practitioners Handbook*. New York: The Guilford Press.
- McGrew, K. (2008). *Introduction to CHC Theory.* Retrieved from http://www.iapsych.com/CHCPP/CHCPP.HTML.

Tools

Multidimensional Assessment Model for Bilingual Individuals (MAMBI).

Culture-Language Test Classification matrix (C-LTC).

Culture-Language Interpretive Matrix (C-LIM).

Articles

- Ortiz, S. O. (2001). Assessment of Cognitive Abilities in Hispanic Children. Seminars in Speech and Language, 22(1), 17-37.
- Ortiz, S. O. (1999). You'd never know how racist I was, if you met me on the street. *Journal of Counseling and Development*, 77(1), 9-12.
- Ortiz, S. O. & Flanagan, D. P. (1998). Enhancing cognitive assessment of culturally and linguistically diverse individuals: Application and use of selective Gf-Gc Cross-Battery assessment. *The School Psychologist*, 52(1), 6-9.

Books

- Cummins, J. C. (1984). *Bilingual and Special Education: Issues in Assessment and Pedagogy*. Austin, TX: Pro-Ed.
- Flanagan, D. P. & Ortiz, S. O. (2001). *Essentials of Cross-Battery Assessment*. New York: Wiley Press.
- Flanagan, D. P., McGrew, K. S. & Ortiz, S. O. (2000). *The Wechsler Intelligence Scales and Gf-Gc theory: A contemporary interpretive approach*. Boston, MA: Allyn & Bacon.
- Rhodes, R., Ochoa, S. H. & Ortiz, S. O. (2005). Assessment of Culturally and Linguistically Diverse Students: A practical guide. New York: Guilford Press.
- Valdes, G. & Figueroa, R. (1994). *Bilingualism and Testing: A special case of bias.*Norwood, NJ: Ablex Publishing.

Chapters and Other Publications

- Ortiz, S. O. (in press). Comprehensive Assessment of Culturally and Linguistically Diverse Students: A systematic, practical approach for nondiscriminatory assessment. In C. R. Reynolds and E. Fletcher-Janzen (Eds), *Special Educator's Almanac*. New York: Wiley Press.
- Ortiz, S. O. (in press). Cognitive-behavioral school interventions: Multicultural issues. In Christner, R., Menutti, R., & Freeman, A. (Eds.) *Cognitive Behavioral Interventions in Educational Settings*. New York: Brunner-Routledge Publishing.

- Ortiz, S. O., & Lella, S. A. (2005). Cross-cultural Assessment. In S. W. Lee (Ed.), Encyclopedia of School Psychology. Thousand Oaks, CA: Sage.
- Ortiz, S. O. & Ochoa, S. H. (2005). Intellectual Assessment: A nondiscriminatory interpretive approach. In D. P. Flanagan & P. L. Harrison (Eds.), *Contemporary Intellectual Assessment*, 2nd Edition (pp. 234-250). New York: Guilford Press.
- Ortiz, S. O. & Dynda, A. M. (2005). The use of intelligence tests with culturally and linguistically diverse populations. In D. P. Flanagan & P. L. Harrison (Eds.), *Contemporary Intellectual Assessment, 2nd Edition* (pp. 545-556). New York: Guilford Press.
- Ortiz, S. O. (2004). Nondiscriminatory Assessment in Schools. In C. Spielberger (Ed.), Encyclopedia of Applied Psychology, Vol. X, San Diego, CA: Academic Press.
- Flanagan, D. P. & Ortiz, S. O. (2004). Gf-Gc Theory of Intelligence. In T. S. Watson & C. H. Skinner (Eds.), *Encyclopedia of School Psychology*. New York: Kluwer Academic/Plenum Publishers.
- Ortiz, S. O. (2004). Bilingual Multicultural Assessment with the WISC-IV. In A. Kaufman & D. P. Flanagan (Eds.) (pp. 245-254). *Essentials of WISC-IV Assessment*. New York: Wiley Press.
- Ortiz, S. O. (2002). Best Practices in Nondiscriminatory Assessment. In A. Thomas & J. Grimes (Eds.) *Best Practices in School Psychology IV* (pp. 1321-1336). Washington, DC: National Association of School Psychologists.
- Ortiz, S. O. & Flanagan, D. P. (2002). Best Practices in Working with Culturally Diverse Children and Families. In A. Thomas & J. Grimes (Eds.) *Best Practices in School Psychology IV* (pp. 337-351). Washington, DC: National Association of School Psychologists.
- Ortiz, S. O., McGrew, K. S. & Flanagan, D. P. (1998). Gf-Gc Cross-Battery Interpretation and Selective Cross-Battery Assessment: Referral Concerns and the Needs of Culturally and Linguistically Diverse Populations (pp. 401-444). In K. S. McGrew and D. P. Flanagan (Eds.). *The Intelligence Test Desk Reference* (ITDR): Gf-Gc Cross-Battery Assessment. Boston: Allyn & Bacon.
- Ortiz, S. (2008). Best Practices in Nondiscriminatory Assessment. *Best Practices in School Psychology V.* (vol. 2 p 661). National Association of School Psychologists (NASP).

9. Interpretation of Data

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Chapter Overview

This chapter will help specialists and instructional staff interpret data for the purposes of designing instruction and determining whether a student is eligible for special education services under SLD criteria. The chapter includes discussions on interpreting outcomes of formal assessment, guidance on integrating multiple sources of data, background information and intervention data, as well as guidance on issues that may surface in writing a summary of background information, including documenting evidence of exclusionary factors. Perhaps the most valuable part of this chapter is the tools and guidance for interpreting achievement data, basic psychological processing data and discrepancy.

Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance and are provided below to help teams, including the parents, understand what the law requires.



Under the federal regulation 34 CFR 300.306c1)-(7), in interpreting evaluation data for the purpose of determining if a child is a child with a disability (see 34 CFR 300.8) and identifying the educational needs of the child, each public agency must:

- 34 CFR 300.305 (a)(1) As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child.
- 34 CFR 300.306 (c)(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 must ensure the information obtained from all such sources is carefully documented.
- 34 CFR 300.304 (c)(6). Ensure the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- 34 CFR 300.3204 (A). Meet the child's needs that result from the child's disability to
 enable the child to be involved and make progress in the general education
 curriculum and meet each of the child's needs that result from the child's disability.

This section refers to SLD eligibility criteria in Minnesota Rule 3525.1341:

- A child is eligible and in need of special education and related services for a specific learning disability when the child meets the items in A, B and C or D. Information about each item must be sought from the parent and must be included as part of the evaluation data. The evaluation data must confirm that the effects of the child's disability ... occur in a variety of settings.
 - A. The child does not achieve adequately in one or more the following areas: listening comprehension, oral expression, basic reading skills, reading comprehension, reading fluency, written expression, mathematics calculation, or mathematical problem-solving, in response to appropriate classroom instruction, and either:
 - The child does not make adequate progress to meet age or stateapproved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based intervention (SRBI); or
 - ii. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives.

Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; class-work samples; anecdotal teacher records; statewide and district-wide assessments; formal, diagnostic, and informal tests; curriculum-based evaluation results; and results from targeted support programs in general education.

- B. The child has a disorder in one or more of the basic psychological processes which includes a basic psychological processing condition that is manifested in a variety of settings by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.
- C. The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: listening comprehension, oral expression, basic reading skills, reading comprehension, reading fluency, written expression, mathematics calculation, or mathematical problem solving. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider these standardized test results as only one component of the eligibility criteria. The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures. For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the child's chronological age level.
- D. The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI (scientific, research-based intervention), which may be used prior to a referral, or as part of an evaluation for special education. A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress. Rate of progress is inadequate when the child's:
 - i. Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
 - ii. Progress will likely not be maintained when instructional supports are removed;
 - iii. Level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
 - iv. Level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.



Quality Practices

Interpreting Outcomes of Formal Assessment Data

All information collected prior to and during a comprehensive evaluation will be of help to teams of professionals and parents in making a disability determination. At this step in the process, teams that have used the problem solving protocol and systematically addressed the appropriateness of instruction, curriculum, and environment should shift their focus to answering the question of why the student is unable to learn normally within the context of the regular classroom (Ortiz, 2008).

No single prescription exists to organize and weigh data. However, teams may find the tools provided in previous chapters helpful. The following tools were designed to integrate, evaluate, and summarize the findings from multiple sources of data:

- Guiding questions presented at the end of each chapter.
- Problem-solving protocol in Chapter 4.
- ICEL/RIOT matrix in Chapter 6.
- Analyzing Evidence Sample Forms in Chapter 6.
- Eligibility Worksheet in Chapter 10.

Specialist and instructional staff should keep the focus of the evaluation process on designing instruction that accelerates the student's rate of learning. In some cases, the instruction will be specialized to meet the unique needs of a learner with a disability; in other cases, it will be differentiated to meet the needs of a student without a disability, but who continues to struggle. A systematic approach to interpreting, prioritizing, synthesizing, and summarizing the findings will help teams not only improve instruction, but also determine eligibility for special education.

Care should be taken to not presume that persistent lack of achievement is automatically

the result of a specific learning disability. Specialists and instructional staff may be predisposed to narrowing data interpretation to fit a pre-judgment that a persistent learning problem is the result of a specific learning disability. The risk is that teams may focus on supportive data to the exclusion of disconfirming evidence and make an inappropriate eligibility determination. To avoid narrowing the review of data, specialists and instructional staff should reiterate the steps in the problem solving process described in Chapters 4, 6 and 8:



- **Step 1.** Redefine the learning problem.
- **Step 2.** Re-analyze the data to identify patterns in performance and evidence supporting explanations for why the learning problem occurs. Select instructional practices that address the student's needs.
- **Step 3.** Implement the instructional plan or Individualized Education Program
- **Step 4.** Monitor and evaluate the results of instruction.

The protocol to help integrate the problem-solving model into the eligibility criteria as described in Chapters 4, 6, and 8 is reiterated throughout this chapter to help specialists and instructional staff implement quality practices when interpreting data. Resources include general guidance in what teams should review with appropriate sources of evidence as well as specific guidance for questions that frequently occur during this part of an evaluation process.

Defining the Learning Problem

Reviewing Background Information and Intervention Data

To understand the learning problem, specialists and instructional staff should review the background and history of the child as well as data gathered during intervention and parent interviews. The table below shows the background information to review and data sources to use.

Table 9-1
Relevant Background Information and Sources of Data

Background Information	Sources of Data
Reason for the referral (areas of concern and	Tip: Review data from the beginning of the process to understand the concerns that have emerged and how they have been addressed.
suspected disability(ies)	Problem analysis statement from secondary, tertiary intervention plans and prior written notice statements.
History in special education or other specialized	 Student performance in relation to setting demands (onset, duration, variation across settings, interference with personal, interpersonal, and academic adjustment).
services Parent concerns	 Interviewee's perceptions of the problem, its nature, intensity, significance to the student, and relation to grade-level or age- appropriate expectations.
and perspective Language history	Information regarding the student's home language and family cultural background.
and cultural background	 Independent evaluation data or reports presenting concerns and links to academic or behavioral performance within the school setting.
	Report cards, district test results, etc.
	Existence of relevant health or sensory problems potentially related to the referral concern.
	 The student's developmental and educational history that provides context for why the learning problem is occurring.

Background Information	Sources of Data
Note: Analyze the summary of data gathered on instruction, curriculum, environment to ensure student has sufficient access to make progress towards grade-level standards	 When organizing data for interpretation, presume that the difficulty is more likely solved with changes in instruction, curriculum, or environment than attributable to factors intrinsic to the child. Summarize results in a way that illustrates whether the student has had sufficient access to high quality instruction and opportunity to perform within grade-level standards. Summarize evidence-based practices implemented in core instruction and through intervention supports. Be sure to include actual intensity and duration of interventions as well as attendance during intervention. Percent of students meeting benchmarks or targets for proficiency with core instruction. Permanent products reflecting nature of instructional demands and relative peer performance (performance of subgroups in the event the student being evaluated is culturally and linguistically different). Analysis of curriculum and curricular materials for difficulty, age appropriateness, and accessibility given student's language and cultural background. Patterns of behavioral and academic performance relative to instructional and curricular demands (observation, review of instruction and curriculum). Instruction provided to address language acquisition, differences in prior knowledge due to lack of exposure or cultural differences. Positive behavioral supports and discipline policies as they relate to referral concerns, as well as how they address the needs of the majority of same age peers (subgroups in case of culturally and linguistically diverse students). Attendance (if inconsistent attendance, review progress results during periods of consistent attendance to determine if bump in performance or in rate of learning occurs).
Summarize what is known about the student and how the student learns	 Interaction between the student and the learning environment (influence of one upon the other). Skill level compared to peers in same setting. The level of academic skills proficiency (acquisition, fluency, maintenance, etc.) within core instruction. Observations and reports on student's approach to a task, organizing self to engage in a task, and persist until completion. Results of record reviews, observations, interviews indicating notable changes in behavior or performance as a result of differentiation, accommodation or modification.

Background Information	Sources of Data
	Changes in performance with group size, incentives, change in staff, or change in task, etc.
	 Exclusionary factors (vision, hearing, or motor impairment; cognitive impairment; emotional or behavioral disorders; environmental, cultural or economic influences; or a history of inconsistent education program, limited English proficiency (LEP), or lack of instruction in reading or math).
	Parent/teacher/student report regarding effectiveness of accommodation(s) and/or modification(s).
	Progress monitoring data collected during interventions.

Specific Guidance on Exclusionary Factors

It is not uncommon for teams to wrestle with understanding the extent to which exclusionary factors contribute to or preclude consideration of SLD as a primary disability.

Quality practices suggest that a thorough review of the recommended questions and summary of available evidence in the background section of the evaluation report will make the eligibility determination and documentation of instructional needs proceed smoothly. The team should always give consideration to the family and community systems, including culturally and linguistically diverse populations, when interpreting and evaluating the data. Refer to guiding questions in Chapter 7 that may help in interpreting the data with respect to specific exclusionary factors.

Regardless of whether an exclusionary factor is primary or contributing, teams must document all needs and the instructional programming designed to meet the needs.

Specific Guidance on Summarizing Standard Scores

While Flanagan and Kaufman recommend that teams report standard scores with their associated confidence intervals (95 percent level recommended) along with needed data this guidance creates a problem when calculating and standard deviations with Minnesota's formula. The application of confidence intervals creates differences in the application of the 1.75 standard deviation interval.

The authors also present three variations of a normative descriptive system for reporting Full Scale IQ score results. The table below shows one that is growing in popularity among school and clinical psychologists:

Table 9-2
Standard Score Range, Classification, Performance

Standard Score Range	Classification	Performance
131+	Upper extreme	+2 SD
116 to 130	Above average	Normative strength as compared with the general population
		+ 1 SD (top 16 percent of the population)
		> 116 (85 th percentile)
85 to 115	Average range	Within normal limits
		+/- SD inclusive (68 percent of population)
		115 (84 th percentile)-85 (16 th percentile)
70 to 84	Below average	Normative weakness <-1 SD bottom 16 th percentile of population <84 (15 th percentile)
<69	Lower extreme	<-2 SD

Re-analyzing the Problem - Interpreting Achievement Data

To ensure clarity and alignment of interpretation of data with Minnesota Rule, the step of re-analyzing the problem has been broken into interpreting achievement data, interpreting basic psychological processing data, and interpreting discrepancy. It is assumed that interpretation of intervention data, consistent with Minnesota Rule 3525.1341 subp. 2 D, could be done in the review of background information described above or in this section. It is a district decision.

The primary goals of interpreting achievement data should be to:

- Document all the academic needs.
- Identify areas where existing instructional supports are sufficient.
- Identify dimensions on which continued intervention or specialized instructional supports may be altered to improve achievement.
- Identify dimensions on which accommodations or modifications must be made to provide access to grade-level standards.

Teams may be tempted to skip or rush analysis of achievement data; however, evidence shows that careful data review can lead to additional discoveries relevant to the design of future instruction. The consequences of not considering all data sources may lead to inappropriate identification or designing ineffective instruction, which has implications for student self-efficacy as well as lowered expectations and misuse of educational resources. Ineffective instruction increases the challenge of accelerating achievement towards grade-level standards and readiness for post-secondary options.

Note: The results of a comprehensive evaluation should lead to instruction that accelerates acquisition of skills and effectively provides access to the regular education curriculum. For an easy way to integrate achievement data, refer to the eligibility worksheet in Chapter 10 or the instruction, curriculum, environment and learner (ICEL)/Review, Interview, Observe, Test (RIOT) tool in Chapter 6.

Table 9-3

Achievement Data Relevant to Intervention, Evaluation, and their Sources

This table shows what to include in a comprehensive review of achievement data in order to identify all areas of need and sources for that data.

Data to Document	Sources of information		
The achievement level and rate of learning given: • Evidence-based core instruction and supplementary interventions • Intensity of, frequency of, and attendance during delivery of research-based interventions. • Progress monitoring graphs • Fidelity of intervention implementation	 Tip: In addition to progress monitoring data, summarize both successful and unsuccessful supplemental efforts aimed at accelerating student learning and level of performance, which may include whether the intervention was frequent enough, long enough, and intensive enough to yield a change in performance or accelerated learning rate. Additional topics in the review of data include: Intervention plans. Progress monitoring data indicating slope, level, and progress as compared to benchmark or peer group. Documentation of fidelity (e.g. minutes of intervention as designed vs. received, observations that intervention was delivered as intended, etc.). 		
Comprehensive review of additional achievement data	 Classroom based repeated measures of achievement (curriculum-based measures, formative assessment, informal inventories, etc.). Norm-referenced state, district, group, or individualized assessment data. Standardized observation protocols, e.g., Minnesota Student Oral Language Observation Matrix (MNSOLOM), rubrics, or rating scales. Criterion-referenced tests. Interviews with students, parents, teachers, etc. Observations during core instruction, intervention sessions, and/or individualized assessment documenting results of testing limits. Work samples, results of other targeted assistance programs, independent tutoring or intervention programs. Results of Cultural Language Interpretive Matrix (CLIM) for students with cultural and linguistic differences. Comparison of achievement data against background and contextual knowledge for students with cultural and linguistic differences. 		

How do we know whether the learning problem is related to limited English language acquisition vs. SLD?

The answer to this question is elaborated on in the appendix of this chapter with an explanation of the Cultural Language Interpretive Matrix. Essentially the team must return to interpreting the data from multiple sources that address language acquisition and SLD concerns.

Ortiz would likely say that if students do not have normative weaknesses in their first language, the concern(s) needs to be addressed outside of special education. However, some current measures of language acquisition may be inadequate and should be so noted in weighing the interpretation of data. Please refer to Interpretation using Cross-Battery Assessment below for a brief overview as well as the following resources:

Rhodes, R., Ochoa, S., & Ortiz, S. (2005). Assessing Culturally and Linguistically Diverse Students. New York: The Guilford Press. (Specifics for interpreting the Culture Language Interpretive Matrix (CLIM) found in the appendix.)

National Association of School Psychologists. (2009). "A Comprehensive, Multidimensional Approach to Assessment of Culturally and Linguistically Diverse Students." In Jones, Janine (Ed.) The Psychology of Multiculturalism in the Schools (Ch. 7). Bethesda, MD: Lau, M., & Blatchley, L.

Reducing Bias in Special Education for American Indian and African American Students from the Minnesota Department of Education (to be revised)

The Minnesota Department of Education has resources to support teams in developing appropriate procedures for English Language Learners (ELL) who are suspected of having a disability including the ELL Companion Manual.

Specific Guidance for the Achievement Data Summary

Issues of non-compliance have occurred when evaluation reports do not include all the areas of need that show up on Individualized Education Programs (IEPs) one or two years later. Minnesota rule requires teams to identify all the needs connected to the disability as well as any needs that are necessary to help the student gain control over and make progress in the general curriculum.

Providing statements in the evaluation report that discuss implications of a disability on future performance not only provides the team rationale for other goals, but also draws attention to the possibility of incorporating instructional strategies or practices that may reduce the adverse impacts of a specific learning disability.

Additional benefits include helping parents to fully participate in longitudinal planning, as they are typically the only team members that have both historical and future knowledge of the student throughout their academic career.



Illustrative Example

Sam, a third grade student, has normative weaknesses in basic reading skills, vocabulary, and working memory. The team does not currently find evidence of below-grade-level performance in math. The team decides to document only the concerns related to reading in the evaluation report. The fact that the team did not document all needs that may arise from the disability prevents them from providing services in math or written expression in later grades. Yet, Sam will likely need additional supports in fourth and fifth grade when he is required to master regrouping, take notes, summarize the main idea, etc.

Katrina, a first grader struggling to develop letter sound correspondence, receives balanced instruction in phonological awareness and vocabulary building. Both skills are woven into her reading instruction so that she continues to improve in reading and language abilities. The integration of vocabulary building skills prevents the need for language intervention later on.

Sometimes the area of concern does not match the picture of achievement that emerges from pulling together the results of formal assessment. Instances include, but are not limited to:

- Achievement that is within age or state grade-level expectations but below district expectations.
- An area of inadequate achievement not mentioned in the referral for special education evaluation.

If the team sees a mismatch between the referral concern and pattern of achievement that emerges from formal assessment, the team may have also missed data or context relevant to accurate interpretation and evaluation of the data. If so, collect those data and re-convene the team. Teams may have also chosen or been provided independent evaluation data that suggests physical, sensory, cognitive, or psychological issues. Teams integrating the results of evaluation need to be careful to include multiple sources of data and put them in the context. Teams may need to consider gathering additional or re-prioritize the data being presented.

Resource Tool for Finding Patterns in Achievement Data

Research indicates that predictable patterns of performance in achievement data will correspond with normative weaknesses in basic psychological processes. The following figure indicates where patterns of poor achievement emerge, the impact in other academic domains, as well as corresponding patterns in basic psychological processes.

The narrative that follows the figure describes a synthesis of the patterns found in the literature, as well as a cursory discussion of implications for instruction.

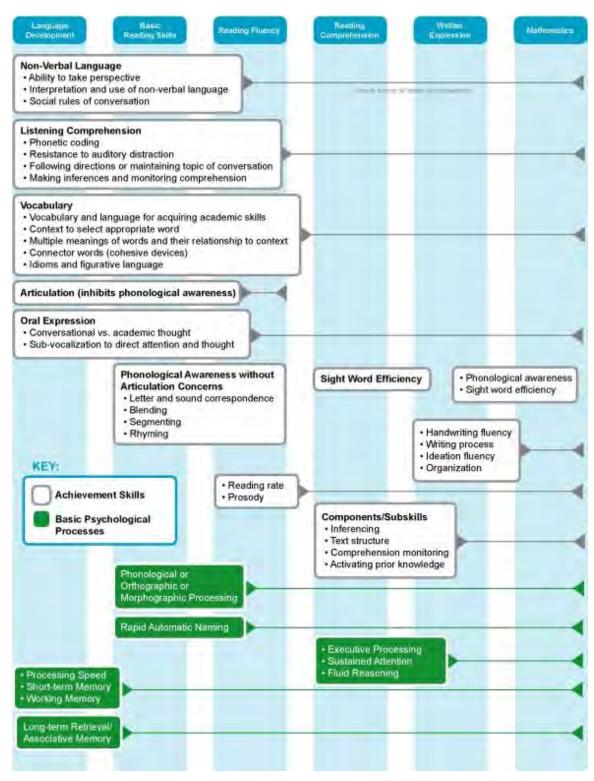


Figure 9-1: Likely Patterns of Performance for SLD Identification.

Language Development and Instructional Implications

It is unlikely that a student with significant inadequate achievement or developmental delays in the acquisition of listening comprehension and oral expression will have skills that develop in the average range in reading, writing, or math. Teams should look at the connection between the development of language and areas of academic achievement. At least four patterns emerge in language development, discussed below in the first column of the following table. The patterns described below are not exhaustive of what a team may find through formal evaluation.

Instructional implications for students with language development issues include balancing or switching emphasis between improving the instructional level of listening comprehension, basic skills acquisition, and reading comprehension. See suggestions in the second column.

Table 9-4

Language Development and General Instructional Implications

Language Development	General Instructional Implications
Pattern A: Poor articulation. Only in instances where evidence shows issues with articulation to be connected to the development of phonological awareness should an SLD be suspected. A speech language impairment that requires special education in the area of reading may also be likely.	Use skills hierarchy to determine instructional level, e.g., whether skill must be developed within listening comprehension, oral expression, reading comprehension, or written expression.
Pattern B: Inadequate development of nonverbal language skills. This typically indicates Speech and Language Impairment, Autism Spectrum (ASD) or non-verbal learning disorder (NVLD). This discussion is beyond the scope of this SLD Manual. Refer to the resources on the MDE Website for additional information on ASD and NVLD.	Determine if interventions in language skills need to be implemented alongside or in advance of targeted academic skills (prioritize content and vocabulary).

Language Development

Pattern C: Poor listening comprehension. Students with below average achievement in listening comprehension skills are most likely to have corresponding below average abilities in phonetic coding, resistance to auditory distraction, auditory processing, processing speed, auditory (verbal) working memory, short-term memory, or rapid naming. In addition, low or below average performance in oral expression is likely. As the curriculum becomes increasingly demanding, normative weaknesses in processing speed. auditory working memory, short-term memory, etc. would predict areas of persistent difficulty in acquiring grade-level listening comprehension, reading comprehension, reading fluency, written expression skills, and math computational fluency.

Pattern D: Poor oral expression. Students with below average achievement in oral expression may exhibit normative weaknesses with: adequately understanding oral vocabulary; associating meaning and demonstrating flexibility with and deriving meaning from the spoken word; integrating new information with prior knowledge; following oral directions/information; remembering what was heard without distortion or omission of sequence or content; or accessing desired information within a reasonable time.

General Instructional Implications

- Attend to the difference between classroom demands and the student's level of listening comprehension or oral expression as these may constrain acquisition of skills or performance within the general curriculum.
- Apply principles of differentiation and universal design of instruction to make grade-level content accessible (differentiate between language skills and content skills).
- Document the Speech and Language concerns, the impact on achievement in reading or math and develop the IEP to address the needs. There is a clear relationship between language delay and later academic concerns, normative weaknesses that persist in oral language often impact academic achievement. For more information see Brown, Alyward & Keogh (1966) at http://www.ldonline.org/article/63 66 for summary and references. There is variability as to how districts will handle this issue.
- In some situations it may be appropriate for the Speech and Language Pathologist to consult or collaborate with the special education teacher to address the language needs within the regular classroom.
- In other instances, the student may receive reading or math instruction from a special education teacher trained to embed language interventions within the special education services.

Language Development General Instructional Implications

Frequent misunderstanding between the speaker and the student may occur as conversation is inappropriate to the topic or situation and verbal responses do not align with previously spoken comment or question. Speech may be limited and the student may have difficulty: finding words to describe intent, using inflection, relating experience or stories in sequential order, providing relevant detail to convey meaning to listener, showing control over the vocabulary that has been taught and relying on fixed expressions and highly familiar often less specific vocabulary. Overall, communicative success is likely adversely impacted both in the classroom and with peers. Students with oral expression issues may lack the ability to go deeper into a topic or discussion subject with a variety of vocabulary.

 In some schools, students with a language disability may receive some of the accommodations and/or modified instruction provided to their peers with SLD.

Guidance on Assessing Oral Expression and Listening Comprehension

If the team is considering SLD eligibility in the area of oral expression, they must involve the speech-language pathologist. The SLP will administer both standardized and nonstandardized assessment as a part of their usual test battery.

Teams must be aware of which results are being summarized as documentation of achievement. So while a disorder of spoken language and the imperfect ability to speak (as measured by the Clinical Evaluation of Language Fundamentals (CELF)) may be indicators of a possible specific learning disability, the disorder must be demonstrated in academic functioning and manifest in a way that results in the student not learning at an adequate rate. Assessments continue to be developed and revised, so teams are in the best position to select the assessments designed to meet the situational needs (inadequate achievement).

If the assessment data gathered thus far isn't helpful in answering why the student is not achieving within the regular classroom environment, teams may need to conduct additional observations to see how well the student is able to follow directions, filter out white noise, and focus/orient to teacher direction. For situations where a lesson conveyed technical content, conduct an interview with the student to determine what he/she understood (e.g. vocabulary, concepts, etc.). If the area is oral expression, use observations to explain or describe the experience. Are there differences in speaking on demand vs. self-initiated expression? Some staff may recall that this method is diagnostic teaching/evaluation.

Basic Reading Skills and Instructional Implications

The table below shows the four common patterns for poor basic reading skills. The patterns described below are not exhaustive of what a team may find through formal evaluation.

Table 9-5
Basic Reading Skills and General Instructional Implications

Basic Reading Skills	Instructional Implications
Pattern A: Student shows poor achievement but all areas of basic psychological processing are within normative limits. Potential reasons for this pattern include lack of sufficient practice timed to when the student was developmentally prepared to accept the instruction and lack of prior knowledge, consistent, systematic, explicit evidence based instruction in the basics of phonological awareness, vocabulary, or decoding instruction.	Additional intensive evidence- based phonics and language instruction consistently implemented until a rate of achievement reaches within grade-level expectations.
Pattern B: Lack of progress in acquiring basic reading skills with corresponding below-average abilities in phonetic coding, resistance to auditory distraction, auditory processing, processing speed, auditory (verbal) working memory, short-term memory, or rapid naming. Students with this pattern are also more likely to have low or below average performance in oral expression. As the curriculum becomes increasingly demanding, normative weaknesses in processing speed, auditory working memory, short-term memory, etc. would predict persistent difficulty in acquiring grade-level listening comprehension, reading comprehension, reading fluency, written expression, and math computational fluency.	Differentiate between phonetic coding issues and resistance to auditory distractions. Poor phonetic coding requires evidence-based instruction in phonological awareness. When resistance to auditory distraction is indicated include an evaluation for Central Auditory Processing Disorder (CAPD). Provide accommodations and modifications consistent with CAPD, as well as evidence-based instruction in basic reading skills to remediate gaps in achievement.
Pattern C: A less frequent pattern results from a lack of orthographic fluency. Students with an orthographic processing weaknesses may have some basic decoding skills and strong sight word vocabulary; however, data indicate that spelling, reading connected text or reading multi-syllabic words are difficult. Students with normative weaknesses in orthography but not phonetic coding or auditory processing are less likely to have weaknesses in listening comprehension, oral expression, or vocabulary acquisition. Older students may develop poor reading fluency despite having basic decoding skills.	 Provide evidence-based instruction to address normative weaknesses in orthography and morphology. Emphasize sound symbol association and teach decoding and encoding simultaneously.

Basic Reading Skills	Instructional Implications
Pattern D: The least likely pattern but also the pattern that is most difficult to accelerate is the pattern where both phonetic coding and orthographic processing are impaired. Students with this pattern of impairment are likely to have more severe normative weaknesses in all areas of reading as well as have weaknesses in vocabulary development.	 Provide balanced phonics, vocabulary, listening comprehension and orthographic processing interventions. Address areas of concern in order to make continued progress in reading, writing, and math skills.

Reading Fluency Skills and Instructional Implications

The table below shows two patterns of achievement connected to poor reading fluency. The patterns described below are not exhaustive of what a team may find through formal evaluation.

Table 9-6
Reading Fluency and Instructional Implications

Reading Fluency	Instructional Implications
Pattern A: Students with below average achievement in reading fluency but intact basic reading skills are also likely to have below average abilities in orthography and morphology and	 Provide oral models of reading connected text to improve reading with intonation and emotion (prosody).
weaknesses in specific areas of reading comprehension; such as, inferencing, etc. Inferencing, text structure, and comprehension	 Provide opportunities for repeated reading.
monitoring are common concerns with reading comprehension.	 Provide evidence-based strategy instruction in inferencing, text structure, and connecting prior knowledge to what is read.
	 Explicitly teach and reinforce comprehension monitoring.

Reading Fluency

Pattern B: It is highly unlikely that a student would be eligible for SLD with only inadequate achievement in reading fluency. That said, it may be the case that a student manages to comprehend despite a labored reading rate. As curriculum demands increase the volume of reading it may be that at some point the student is not able to keep pace. When the volume of reading outpaces a student's ability to keep up. the lack of reading fluency may begin to constrain the acquisition of grade-level vocabulary and reading comprehension. Teams should be aware that concerns with the development of reading comprehension may or may not be present at the time of evaluation but could develop if the student's reading rate cannot keep pace with assignments.

Instructional Implications

- The IEP should specify the amount and difficulty of text at the student's instructional level, number of repetitions and/or criteria for moving on, and type of feedback the student will receive.
- Clearly articulate
 accommodations and
 modifications made to contain the
 volume of reading and alternative
 means of making grade-level
 content accessible so that
 teachers know who will provide
 the modifications, what is
 included, when, and under what
 circumstances.
- If considering assistive technology, look at how the student will continue to acquire the necessary vocabulary and language comprehension skills to benefit from these options. Although not legally required, include each component in the IEP so staff more clearly meet the student's needs.
- Vocabulary interventions may also need to be put in place in order to accelerate reading comprehension to keep pace with grade-level content.

Reading Comprehension and Instructional Implications

The table below shows the two common patterns for poor basic reading skills. The patterns described below are not exhaustive of what a team may find through formal evaluation.

Table 9-7
Reading Comprehension and Instructional Implications

Reading Comprehension

Pattern A. Poor reading comprehension with coexisting weaknesses in phonological awareness, listening comprehension, oral expression, working memory and/or processing speed.

Teams should consider the student's lack of or different body of prior knowledge before assuming a language normative weakness. When assuming prior knowledge for a given prompt or sample of work, teams are more likely to find specific normative weaknesses in expressive or receptive language that limit the student's ability to develop schemas and multiple meanings for words. Individuals with this pattern of normative weaknesses may perform similarly to individuals with Nin-Verbal Learning Disability (NVLD). Lack of reading comprehension often leads to limited enjoyment and practice of reading, so students identified in later grades may have limited sight-word vocabulary as well as morphographic knowledge.

Pattern B. Poor reading comprehension with accurate beginning decoding skills, grade-level reading rate, and normative weaknesses on prosody and comprehension (may also be referred to as hyperlexia). Normative weaknesses in reading comprehension tend to be in inferencing, comprehension monitoring, and understanding of text structure. These students may have corresponding weaknesses in speed of processing, working memory, and/or executive functions (planning, sustained attention, self-monitoring, and problem-solving skills). Disorders in the executive functions listed are also consistent for individuals diagnosed with ADHD.

Instructional Implications

- Systematic explicit skills instruction in comprehension strategies and vocabulary acquisition strategies
- Identification of weaknesses in listening comprehension and oral expression to identify instructional level of language comprehension that must be developed in advance of application to silent reading comprehension
- Training in comprehension monitoring or use of internal speech as means of developing comprehension monitoring skills
- Modification of the instructional environment to cue students with disorders in executive function specifically planning and problem solving to apply the strategies they know at the moment they need them

Written Expression and Instructional Implications

Research for an operational definition of a disability that addresses written language continues to evolve. There is less research on established patterns of academic performance in written expression than in reading. Additionally, the academic normative weaknesses presented in the data are different for individuals with traumatic brain injury than those who have developmental writing disabilities.

Most students with a specific learning disability will have problems with one or more of the three writing skills (handwriting, spelling, expression of ideas). The patterns described below are more typical but not exhaustive of what a team may find through formal evaluation. There is an indication that the development of expression of ideas through writing is hampered when handwriting and spelling skills are poor.

Table 9-8
Written Expression and Instructional Implications

Written Expression	Instructional Implications
Pattern A: Normative weaknesses in written expression due primarily to poor handwriting and or spelling with no other language normative weaknesses. Poor handwriting and motor coordination constrains the development of written expression in that sloppy and labored writing tends to limit the quality and length of compositions. Just as poor decoding impairs the development of reading comprehension, poor handwriting and spelling impair the development of expression of ideas. Until handwriting becomes automatic, there may be little room in working memory to compose and connect ideas.	 Intervene as early as possible to improve handwriting to achieve improved compositions Consider appropriate assistive technology. Consider appropriate accommodations such as more time to complete written tasks, reduced amount of copying, shorten assignments by allowing the student to supplement work with illustrations, graphic organizers, and/or verbal explanations.

Written Expression

Pattern B: Normative weaknesses in written expression due primarily to poor spelling. phonological or orthographic normative weaknesses. Language normative weaknesses may or may not be present. As mentioned previously, poor spelling skills have been linked with poor decoding skills. Normative weaknesses in phonological and/or orthographic processing may be the constraining factor in the development of listening comprehension, reading, as well as spelling. Poor spelling scores in the absence of normative weaknesses in hand writing or expression of ideas may indicate lack of automaticity in intermediate decoding or morphological awareness skills. It is most likely that poor spelling ability constrains the development and expression of ideas in the same way as poor handwriting.

Instructional Implications

 Explicitly teach spelling within reading instruction to strengthen both decoding and spelling skills. When the writing process is the focus, use of word banks or assistive technology may be an appropriate accommodation or modification.

Written Expression

Pattern C: Normative weaknesses in written expression due to poor composition and expression of ideas. Data may indicate that the student has difficulty with poor organization, variety of sentence structure, limited vocabulary use (semantics knowledge or word finding), or grammar.

Normative weaknesses in written expression may co-occur with normative weaknesses in oral language, reading and mathematics, speed of processing, working memory, and executive functions (planning, sustained attention, self-monitoring, and problem-solving skills). Additionally, normative weaknesses in written expression may co-occur with diagnosed ADHD and NVLD. Individuals with ADHD may have writing samples that indicate poor monitoring of writing process leading to poor sentence coherence, evaluation of quality and appropriate conventions, and lack of editing in their own writing, quantity of writing, decipherable handwriting, use of vocabulary to convey ideas.

Alternatively, students with NVLD may have data that indicate literal interpretation and expression of ideas, a focus on details at the expense of the coherence in addressing the writing assignment. There may be late emerging normative weaknesses in organization, and complexity of writing. Writing is functional, grammatically and syntactically correct, but semantically simple. There may be few alternative words and sentence structures. Writing samples are predictable, formulaic, and concrete, and lacking in creativity or novel perspective.

Poor note-taking ability, poor report writing, and low scores on writing fluency samples may indicate motor coordination or speed of processing issues; therefore, interpretation of writing samples should take into consideration both variables.

Instructional Implications

 Develop instructional plan to address handwriting, notetaking, and creative writing abilities. Use observations of behaviors during assessment and class work to identify accommodations that may be practical for the student: such as word banks, ½ filled notes, use of keyboarding, graphic organizers, chunking of writing process, receptivity to strategy instruction, etc.

Math Calculations and Problem-solving and Instructional Implications

Research in math calculations and problem solving continues to evolve as do subtypes or patterns of normative weaknesses. Patterns of normative weaknesses are more predicted by the model of mathematical abilities put forward by the researcher; however, some indications show that inadequate achievement in math calculations may coincide with inadequate number sense, normative weaknesses in phonological processing, speed of processing, and/or short-term and working memory.

Table 9-9

Math Calculations and Problem-Solving and Instructional Implications

Math Calculations/Problem-Solving

Pattern A: Students with a delay in mastering oneto-one correspondence and number sense are likely to have the most severe and persistent difficulties in acquiring math skills. There may be a pattern of normative weakness in working knowledge of number facts, combinations and important number relationships, letter correspondence in reading, as well as age appropriate development of listening comprehension and oral expression. Instructional implications are to develop efficient means of deducing math facts as quickly as possible. Normative weakness in working memory and shortterm memory also lead to "careless" and procedural errors, poor strategy use, difficulty recalling and implementing sequences. It is likely that difficulties with problem-solving will develop as curricular demands increase. These types of difficulties are also prevalent for individuals with ADHD.

Instructional implications

- Include systematic and explicit instruction in problemsolving skills as early as possible. They should not be put off until basic computational skills are overlearned. Students with difficulty in mastering basic computation are likely to have normative weaknesses in processing speed and working memory which not only impact numerical computation, but also multistep procedures (such as regrouping)
- Pattern B: Students with difficulties in problem-solving are also likely to have normative weaknesses in language acquisition, non-verbal problem-solving abilities, concept formation, sustained attention, simultaneous processing, sight word efficiency and possibly working memory. They are most likely to have difficulty with sequencing procedures, vocabulary (numerical quantifiers), language acquisition in the area of semantics and categorization. These types of difficulties are also prevalent for individuals with ADHD and NVLD due to disorders in executive functions.
- Develop language skills sufficient to assist in the comprehension, acquisition, and production of academic skills
- Intervention and development of problem-solving skills should take place as early as possible. They should not be put off until basic computational skills are over learned

Analyzing the Problem - Interpreting Basic Psychological Processing Data

Teams should have a hypothesis of suspected areas of weaknesses in basic psychological processing as well as correlating normative weaknesses in achievement.



Illustrative Example

Jackie O. has below normative performance in processing speed as verified in interviews and classroom observations. Her academic performance in reading, math, and written expression is in the low to below average in all areas.

Bobby received interventions for poor reading fluency. Although he has average decoding abilities, his vocabulary knowledge is very narrow and inferencing skills are below average. Bobby's assessment data indicates normative weaknesses in associative memory.

Given a hypothesis for why the learning problem exists, the team should look for convergent evidence of below normative performance on cognitive or measures of aptitude that correspond with areas of academic weakness described above (for tools illustrating the connection between basic psychological processes and achievement see Chapters 6 and 8.)

Current research recommends that normative weaknesses are present when performance on standardized measures indicates that cluster scores fall below a standard score of 85 and are confirmed by additional sources of data such as interviews, observations or records. An intra-individual weakness alone is not sufficient to determine eligibility for a specific learning disability. For example, a student with high abilities in working memory and low average abilities with processing speed has significant intra-individual weaknesses, but this difference is not synonymous with a specific learning disability.

Finally, basic psychological processing abilities are developmental. Basic psychological processing abilities impacting the acquisition of academic and/or behavioral skills will change across development. For example, orthographic processing is more highly correlated with acquisition of basic reading skills and working memory with reading comprehension.

Teams should realize that assessment of executive functions, reliable if measured after age seven, may be beneficial in predicting additional needs that emerge as curriculum and grade-level expectations increase in rigor and abstraction (Janzen, E. 2008). Additionally, teams may find that evaluating executive functions or working memory provides a means of documenting the need for accommodations in order to have access to general education curriculum (e.g. instructional and testing accommodations).

Normative weaknesses in executive functions may also impact a student's ability to learn and/or apply strategies. Thus, teams should be mindful of areas of weakness when designing instruction, modifications and behavior plans. If an individual has normative weaknesses in problem-solving or sustained attention, an intervention focusing on

strategy instruction will not be sufficient. Additional training on how to use cues and system supports to apply the appropriate strategy at the moment it is needed.

Instructional implications for students with normative weaknesses in basic psychological processing: Students may be able to compensate in some areas better than others may; however, increasingly rigorous and abstract academic standards may overwhelm compensatory strategies. Students identified late in a school career may have reached a point where compensating is no longer possible without supports. Teams may find benefit in taking time to review grade-level content standards and the basic psychological processing abilities required to achieve the standards. This process can be used to predict points where students may need additional differentiation or instructional supports to achieve grade-level expected performance.

Given the pattern of achievement and basic psychological processes, near future curriculum demands, and current levels of performance, teams should note and document skills or abilities that require monitoring and differentiated instruction. At the first signs of struggle the team should develop a preventive intervention or special education supports. With documentation indicating the logical relationship between the student needs, the findings from evaluation, and the appropriate instructional supports there should not be a concern about adding special education services a year or more after the evaluation.

Review data from both achievement and cognitive processing. See tools for integrating data previously mentioned in Chapters 10 and 6.

Table 9-10

Basic Psychological Processing - Information Summary and Sources of Data

Information for Summary	Sources of Data
Review areas of academic concern	Observational data from classrooms, notable behaviors documented during formal testing, behaviors noted during intervention
Review areas of basic	Student work samples and teacher records
psychological processes	Interviews from student, parent, teachers, etc.
that signal below normal performance	 Analysis of curriculum and grade-level standards indicating demands on cognitive processing,
	Data from independent evaluations or observations made during tutoring
	Test results from normative standardized cognitive achievement or rating scales
	Data noting exclusionary factors
	Relevant medical data or developmental history indicating risk or likely history of impairment in cognitive processing (comparison relative to norm group or same age peers)

Specific Guidance for Implementing Minnesota Rule

Although Minnesota Rule does not explicitly require standardized measures to be used, there are defensible research-based assessments of processing available (see Ch. 8).

The following bulleted lists are for creating a profile of strengths and weaknesses for instructional planning purposes:

1. Profile of Strengths – Include the following:

- Describe intra-individual strengths or otherwise normal and higher abilities.
- Include the student's strengths and weaknesses in learning styles.
- Integrated analysis of data indicates areas of performance are within normal range or higher relative to age or state-approved grade-level standards.
- Multiple sources of data (2-3 pieces) indicate similar level of functioning. (home, community involvement, school, self reports and assessments).
- Documentation of strengths that can be tapped to motivate or accelerate acquisition of skills.

2. Profile of Weaknesses – include the following:

 Integrated analysis of data indicates all areas of performance below age or stateapproved grade-level standards.

- Multiple sources of data (2-3 pieces) indicate similar level of functioning across areas listed.
- Assessment tasks that were developmentally appropriate and yield data consistent with classroom demands or expectations.
- Analysis indicating stage of learning (acquisition, fluency, maintenance, generalization, adaptation).
- Error analysis, and professional judgment indicate skill areas important for future instruction or functioning post-high school.

OR

 Data from scientific research-based intervention (SRBI) indicates intensity and frequency of intervention are equivalent to intensity and frequency of service delivery within special education and/or rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved gradelevel standards.

Note: When integrating data from multiple sources, teams should consider the purpose of the test, types of tasks, and strengths and weaknesses of information gained from each source. Teams should explain why low achievement on a point in time test (MCAs, NWEA, WJIII, etc.) provides a narrow picture of a student's abilities. Reasons may vary: task required recognition vs. recall; task was not commensurate with grade-level expectations, etc.

Analyzing the Problem - Interpreting Intellectual/Cognitive Functioning Data

General intellectual ability is a student's general overall capacity to adapt and function in the environment. It does not reflect specific abilities within an academic area. It includes not only the student's cognitive abilities displayed at school, home, and in social relationships, but also his/her abilities as estimated from individually administered standardized intelligence tests. Test results used to make eligibility decisions must be evaluated in light of the student's developmental, psychological, and family histories, as well as home and school environmental influences.

Careful interpretation of the intellectual test results by a school psychologist is critical. Three situations warrant special consideration of results:

Table 9-11

Mitigating Factors in IQ Tests and Possible Solutions

Mitigating Factors	Possible Solutions
When the learner's background experience is significantly different from that of the group on which the test was normed.	It is inappropriate to report norm-referenced scores or to use them to draw conclusions regarding eligibility. In some cases, the derived IQ scores may not accurately reflect the general intellectual ability of a student. For example, a student may have low motivation, low self-esteem, inattentiveness, cultural and linguistic differences, or may fail to comprehend and follow the directions, resulting in a low score.
When a student's language- based disability precludes an accurate estimate of intelligence.	In these cases, using a supplemental test of intellectual ability or supplemental procedure is recommended (for more information see Reducing Bias in Special Education Assessment for American Indian and African American Students, Minnesota Department of Children, Families, and Learning, 1998; Essentials of Cross Battery Assessment, Second Edition).
When the results indicate extreme variations in cognitive performance.	See specific guidelines and resources for school psychologists below.

Teams should be looking for convergence in data. For students performing near cut-off scores, a pattern of information consistent with the underlying diagnostic construct should lead to classifying a student as a student with a disability. When one or more sources of information are not consistent with the hypothesized learning problem, the team should consider alternative explanations. Is it that there is a mismatch in expectations between the two sources of data? Or is it that the student is not disabled, but presents with low performance.

Guidelines and Resources for School Psychologists

Important: This section illustrates three theoretical orientations **school psychologists** may choose to use to interpret the data. The section is divided as follows:

Part A: Interpreting the WISC-IV

Part B: Interpreting the KABC-II Scales and Global Scales using models CHC and Luria

Part C: Interpretation using Cross-Battery Assessment

Part D: Alternative Model for ELL Students

There tend to be fewer questions about interpretation of the Woodcock Johnson III Cognitive; therefore, we have not included specific guidance on interpreting that in this manual.

Part A: Interpreting the Wechsler Intelligence Scale for Children (WISC-IV)

In their chapter on interpreting the WISC-IV, Flanagan and Kaufman (2004) describe a way to meaningfully organize WISC-IV data that is consistent with contemporary theory and research. These include:

- Analysis of index scores (including Full Scale IQ) to determine the best way to summarize the student's overall intellectual ability. The four index scores are Verbal Comprehension Index (VCI), Perceptual Reasoning Index (PRI), Working Memory (WMI), and Processing Speed (PSI)
- 2. Analysis of fluctuations in the student's index profile to identify strengths and weaknesses in cognitive skills, both in terms of inter-individual and intra-individual comparisons
- 3. Analysis of composite or professional cluster scores to further identify patterns of cognitive capabilities
- 4. Exclusion of individual subtest interpretation
- 5. Use of base rate data to evaluate the clinical meaningfulness of score variability
- 6. Grounding interpretation in the CHC theory of cognitive abilities
- 7. Guidance on the use of supplemental measures to test hypotheses about significant subtest variation

Important: Use a variety of current intellectual assessment instruments such as K-ABC, DAS-2, Stanford Binet, Woodcock Johnson Cognitive Ability, and the UNIT to accommodate the needs and performance styles of diverse learners. The WISC-IV should not be the only measure used for cognitive assessment.

Summarizing Overall Intellectual Ability using the WISC-IV

The WISC-IV examiner must consider the four index scores:

Verbal Comprehension Index (VCI)

- Perceptual Reasoning Index (PRI)
- Working Memory Index (WMI), and Processing Speed Index (PSI).

Note: Verbal and Performance IQ scores became obsolete with the arrival of the WISC-III.

The Full Scale IQ (FSIQ) score, which is an aggregate score that summarizes performance across multiple cognitive abilities in a single number, and the four index scores should be reported and discussed in the Evaluation Report.

When unusual variability is observed within the set of subtests that comprise the FSIQ, professional interpretation should characterize the diversity of abilities to be most useful for parents, teachers, and other professionals (WISC-IV Technical Report #4).

An interpretable Full Scale IQ (FSIQ) score means that the size of the difference between the highest and lowest index scores does not equal or exceed 1.5 SDs (23 points). If this is true, then the FSIQ may be interpreted as a reliable and valid estimate of the student's global intellectual ability. If this is not true, then the variation in the index scores that compose the FSIQ is considered too great for the purpose of summarizing global intellectual ability in a single score.

When to Use a GAI Score: When the FSIQ is not interpretable; determine whether a General Ability Index (GAI) may be used. Answer this question: Is the size of the standard score difference between the Verbal Comprehension Index and the Perceptual Reasoning Index less than 1.5 SDs (<23 points)?

If yes, then the GAI may be calculated and interpreted as a reliable and valid estimate of the student's global intellectual ability.

If no, then the variation in the index scores that compose the GAI is too great for the purpose of summarizing global ability in a single score. The GAI score is sensitive to cases in which working memory performance is discrepant from verbal comprehension performance and/or processing speed performance is discrepant from perceptual reasoning performance at an unusual level. The GAI can be compared to the FSIQ to assess effects of working memory and processing speed on the expression of cognitive ability.

Thus, there are cases in which the WISC-IV FSIQ score is not interpretable and therefore, discrepancy calculations would not be appropriate. In this case, the variability of performance across index scores is too great to be summarized in a single score. Teams would need to consider all other components of the eligibility criteria. They would also want to examine the consistency between the cognitive index scores and the student's academic profile. Is there a logical picture of the student's cognitive and academic skills? The administration of a different intellectual test is not recommended unless the validity of the WISC-IV is seriously questioned. Rather, the team shifts from a purely discrepancy model approach to a cognitive processing approach and develops a justification for accepting or rejecting eligibility based on all the evaluation data that is available.

Important: The GAI score is not necessarily a more valid estimate of overall cognitive ability than the FSIQ. Working memory and processing speed are vital to the comprehensive evaluation of cognitive ability, and excluding these abilities from the evaluation could be misleading. Thus, even if the GAI score is used to determine the ability-achievement discrepancy, the WMI and PSI scores should still be reported and interpreted (WISC-IV Technical Report #4).

If the psychologist and team decide to use the GAI score rather than the FSIQ score as the best estimate of global intellectual functioning for the individual student, the rationale should be described in the Evaluation Report. This would be consistent with the intent of the publishers of the WISC-IV in giving flexibility to practitioners in interpreting the quantitative data yielded by the test. This would not be considered an over-ride because no data is being rejected as invalid in preference for other data that is more valid.

Select the most accurate interpretation of the available data given the unique pattern of strengths and weaknesses of the student. It is appropriate to examine the FSIQ – GAI score discrepancy.

If the difference is equal to or larger than the critical value, the difference is considered a true difference rather than a difference due to measurement error or random fluctuation.

If the two scores are not significantly different, this suggests that reducing the influence of working memory and processing speed on the estimate of overall ability resulted in little difference.

Resource Tool for Using GAI vs. the Full-Scale Score

Use the following steps as a decision tree for determining when to use the GAI versus the Full-Scale score.

Step 1: Determine if each of the four indexes is unitary and interpretable: A unitary ability is defined as an ability that is represented by a cohesive set of scaled scores, each reflecting slightly different or unique aspects of the ability.

To determine if the VCI and PRI index scores are interpretable, subtract the lowest subtest scaled score from the highest subtest scaled score within each index and answer the question: Is the size of the difference less than 1.5 SDs (<5 points)?

If yes	If no
The ability presumed to underlie the VCI or PRI is unitary and may be interpreted.	The difference is too large and the VCI or PRI cannot be interpreted as representing unitary abilities.

Use the same procedure for the two subtest Working Memory and Processing Speed indexes. When there is extreme variability in a student's profile, there are additional guidelines for interpretation, which can be found in Flanagan and Kaufman (2004).

Step 2: Determine normative and personal strengths and weaknesses in the index profile: Only unitary index scores can be included in the analysis. Refer to the table above to describe the range within which each interpretable score lies.

To determine personal strengths and weaknesses:

- 1. Compute the mean of the student's index standard scores and round to the nearest 10th of a point.
- 2. Subtract the mean of all Index standard scores from each interpretable Index standard score.

To be considered statistically significant, the difference must be equal to or greater than the value reported in a chart called "Difference Required for Statistical Significance between an Index and the Mean of all four Indexes by Age and Overall Sample."

If the difference is significant and the interpretable Index is higher than the mean:	If the difference is significant and the interpretable Index is lower than the mean:
Then the Index is a personal strength.	Then the Index is a personal weakness.

The examiner may also determine if any of these personal strengths or weaknesses are uncommon compared to base rates in the WISC-IV standardization sample. Personal strengths can be considered key assets for the student, while personal weaknesses can be considered high priority concerns.

Step 3: Additional professional analysis of a student's profile is possible using CHC clinical clusters. This may yield meaningful hypotheses that relate to diagnosis and educational programming. In Sattler's chapter of Interpreting the WISC-IV, additional analysis of a student's profile includes six steps of profile analysis. This is to provide information about cognitive strengths and weaknesses, and can be used to develop hypotheses about the student's cognitive functioning.

Description of these processes goes beyond the scope of the SLD Manual. Interested readers are referred to Sattler (2008), Flanagan & Kaufman (2004) or Flanagan, Ortiz, & Alfonso (2007) for further information.

Part B: Interpreting the KABC-II Scales and Global Scales with Respect to Two Models (CHC & Luria)

In their chapter on interpreting the KABC-II, Kaufman, Lichtenberger, Fletcher-Janzen, Kaufman, N. (2005) provide both a step-by-step guide to the interpretive approach and ground rules for the interpretive system. Only the first two steps are considered essential. An optional step includes generating hypotheses to be verified with other data (background information, observations, etc).

This system includes the four steps described in the KABC-II manual and two additional steps. The six steps are applicable to both the CHC and Luria models and are:

Step 1: Interpret Global Scores Interpret the global scale index whether the Fluid-Crystallized Ability (FCI: CHC model), Mental Processing Index (MPI: Luria model), or Nonverbal Index (NVI) (ages 3-18).

Whether the FCI or MPI is used, before evaluating the global score you need to determine whether the global scale is interpretable.

- 1. Calculate Range of All Index Scores before Interpreting FCI or MPI.
- 2. Subtract the highest from the lowest index standard score.
- 3. If the difference is greater than or equal to 23 points (1.5 SD) then do not interpret the FCI or MPI, rather focus interpretation on the four or five indexes.

Note: If administering the Nonverbal scale, do not conduct other interpretive steps.

Step 2: Interpret Profile of Scale Indexes Interpret the student's profile of scale indexes to identify strengths and weaknesses, both personal (relative) and normative(ages 4-18).

- 1. Determine whether each scale is interpretable, using a base rate criterion of <10 percent.
- 2. Identify normative weaknesses (SS<85) and normative strengths (SS>115) in the scale profile.
- 3. Identify personal (relative) weaknesses and strengths in the scale profile.
- 4. Determine whether any of the scales that are personal strengths or weaknesses differ to an unusually great extent from the mean scale index, using the <10 percent base rate criterion.

The approach to interpretation of the profile of scale indexes is predicated on several ground rules. See Appendix for Ground Rules for Interpretive System (ages 4-18). (Appendix Data Table) An uninterpretable index indicates that the index does not meaningfully represent the student's ability in that domain.

Step 3 (Optional) - Make Scale Comparisons

- Step 3A. Learning/Glr (initial) vs. Delayed Recall (ages 5-18). Note: some subtests are each designated as out of level at some ages and should not be interpreted separately.
- Step 3B. Learning/Glr vs. Knowledge/Gc (ages 4-18). Knowledge/Gc must be given as a supplementary scale.

Step 4 (Optional): Analyze Supplementary Subtest

If the examiner has administered one or more supplemental subtests, this step determines if scaled scores are consistent with Core subtests on the same scale. (Manual Table 5.3)

Compute the difference between the supplementary subtest scaled score and the mean scale score, and compare the difference with values shown in Manual Table D.10 Step 5: Make Planned Clinical Comparisons.

Step 5: Make Planned Comparisons

Four of five planned comparisons involve alternative groupings into relevant clusters, but have no theoretical foundation (exception: Nonverbal Ability versus Verbal Ability). Authors recommend this step only if the examiner is comfortable with in-depth analysis and has no objections to examination of subtest profiles.

- Step 5A: Nonverbal Ability (NVI) vs. Verbal Ability (ages 3-18).
- Step 5B: Problem-Solving Ability vs. Memory & Learning (ages 3-18).
- Step 5C: Visual Perception of Meaningful Stimuli vs. Abstract Stimuli (ages 4-18).
- Step 5D: Verbal Response vs. Pointing Response (ages 4-18).
- Step 5E: Little or No Motor Response vs. Gross-Motor Response (ages 4-18).

Step 6: Generate Hypothesis to Explain Fluctuations in Two Circumstances:

When one or more scale indexes are not interpretable from Step 2A, then proceed to try to identify possible hypothesis as to why Supplementary subtest was either significantly higher or lower than Core subtest on its scale. Options include Step 5, and/or use of Interpretive Worksheet.

Optional Steps 3-6: Provide examiners with guidelines to generate hypothesis to examine these differences for both the CHC and Luria models as well as providing educationally relevant interventions. Because steps 3-6 are beyond the scope of the SLD Manual, the reader is referred to Kaufman et al. 2005.

The new KABC-II approach is similar to new approach for the WISC IV interpretation (Flanagan & Flanagan, 2004) in the following ways:

- 1. Limits the number of alternate groupings of subtests to a small number of carefully chosen clusters.
- 2. Does not advocate the interpretation of subtest-specific abilities under any circumstances.
- 3. Blends ipsative assessment with normative assessments
- 4. Descriptive categories are the same as those used for the WISC IV.

Summary of KABC-II

The KABC II can be interpreted from both a CHC and Luria perspective. The global score measuring general mental processing ability from the Luria perspective is the Mental Processing Index (MPI), and the global score measuring general cognitive ability from the CHC perspective is the Fluid-Crystallized Index (FCI). Only the first two steps are considered essential as outlined in the manual. (Kaufman and Kaufman, 2004) The six interpretive steps (Kaufman et al, 2005) are the foundation for the CHD and MPI interpretation. The KABC-II Interpretive Worksheet (Appendix) assists with summarizing each step of the profile.

Suggested Readings on Interpreting the KABC-II:

Kaufman, A., Lichtenberger, E., Fletcher-Janzen, E., & Kaufman, N. (2005). Essentials of KABC-II Assessment. Hoboken, NJ: John Wiley & Sons.

National Association of School Psychologists. (2008). Best Practices in School Psychology V. Bethesda, MD: Thomas, A., & Grimes, J.

Part C: Interpretation Using Cross-Battery Assessment (XBA)

While teams may use the Cross-Battery Approach when applying the Cultural Language Interpretive Matrix, as applied with culturally and linguistically diverse learners, there is nothing that precludes using the inherent logic in this approach to other applications when doing an evaluation. The Cross-Battery Assessment approach includes a set of research-based interpretive guidelines that allow practitioners to interpret data from one or more batteries from Cattel-Horn-Carroll (CHC) theory and research using psychometrically defensible methods. The link between CHC theory and student achievement are addressed in the *CHC Theory of Cognitive Processing* (see chapter 8 Table 8-2), which may provide assistance in the interpretation of test results.

Stages within the Framework for Cross-Battery Assessment and Interpretation (Flanagan et al, 2007) provides an overview of the steps. Complete descriptions of these processes, however, are beyond the scope of the SLD Manual. See Flanagan, Ortiz, & Alfonso (2007), Thomas & Grimes (2008), and Kaufman, et al. (2005) for further information.

Note: The department is not specifically endorsing one methodology over another; but is identifying Cross-Battery as one quality practice because it has operationalized steps and research to support interpretation and conclusions. Practitioners should take steps to ensure any adopted methodology is implemented with fidelity. As more research-based methods are operationalized for standardized analysis and interpretation become available, they will be included as well.

Part D Application of Cross-Battery for Interpreting Cognitive Assessment of ELL Students

Cognitive assessment with ELL students is problematic due to both linguistic and cultural factors that make students of concern not comparable to those who were represented in the normative samples on which most standardized tests are based. When this assumption of comparability is violated, the assessment may be invalid and discriminatory (Ortiz & Ochoa, 2005).

When this lack of comparability occurs, the alternative model calls upon the psychologist to redefine the purpose of the intellectual assessment. It is not to derive a standard score that might be used for discrepancy determination. It is to administer the best available nonverbal and low culturally loaded measures to estimate a range of functioning. Consistency with other assessments of academic skills, first and second language proficiency, and adaptive functioning should be considered in deriving this estimate. On this basis, the psychologist should be able to either rule out Developmental Cognitive Disability as a likely hypothesis or to rule it in as a possibility. The latter possibility would of course signal the requirement for further assessment.

With the first scenario, the psychologist and evaluation team may turn their attention to the question of to what extent is the student's academic achievement significantly different from that of grade-level peers with the same linguistic and cultural background, and similar educational experiences. Some large urban districts have found it useful to systematically collect such academic norms for their various ELL groups in order to facilitate such judgments of discrepancy. The measures generally used have been curriculum-based measures, which are direct, brief, sensitive to growth, and have demonstrated reliability and validity (Lau & Blatchley, 2009). In this application of these measures, the norms represent expected achievement on the part of a linguistically and culturally unique population of students. The size of this discrepancy, along with all other assessment data, has been found to be a valid index of the possibility of disability in the target student.

When districts lack the resources or the critical mass of ELL students to justify the collection of norms, it is possible to collect data on a smaller group in order to make less formal comparisons. One of the advantages of this model is that the same curriculum based measures may be used for progress monitoring to evaluate the effectiveness of the Tier 2 or 3 interventions being applied with the student. This data could also be used to validate the accuracy of judgments about the student's performance made earlier in the process. The rate of a student's academic learning over time is a very basic yet powerful measure for analysis.

Overview of the Cross Battery Approach

The research-based guiding principles address the test selection process. The step-by-step process starts from the selected intelligence battery to the interpretation of data. "Enter data into the XBA DMIA" refers to the CD ROM included with the book Essentials of Cross Battery Assessment-Second Edition, which contains three programs that allow users to enter data and review results: the Cross Battery Assessment Data Management and Interpretive Assistant; the Specific Learning Disability Assistant; and the Culture-Language Interpretive Matrix (C-LIM).

The Culturally and Linguistically Diverse (CLD) corresponds to application of Cross Battery to CLD assessments.

Table 9-12

Overview of Cross-Battery Approach (Applications)

Guiding Principles	Step-by-Step Process	CLD Populations
Select battery that best addresses referral concerns	Select intelligence battery	Review C-LTC and select tests that are likely to be most fair
Use clusters based on actual norms when possible	Identify Broad and narrow CHC abilities measured by battery	Include tests from C-LTC needed for referral despite CHC classification
Select tests classified through an acceptable method	Select tests to measure CHC abilities not measured by battery	Administer entire collection of tests selected in standardized way
When broad ability is underrepresented, obtain from another battery	Administer battery and supplemental tests as necessary	Use C-LIM to compare results to expected pattern of performance
When crossing batteries, use tests developed and normed within a few years	Enter data into XBA DMIA	If pattern evident, results are invalid, cannot interpret data further
Select tests from the smallest number of batteries to minimize error	Follow XBA interpretive guidelines	If no pattern, results are valid, interpret via XBA guidelines

Note: CHC=Cattell-Horn-Carroll; C-LTC=Culture-Language Test Classifications; C-LIM=Culture-Language Interpretive Matrix; CLD=Culturally and Linguistically Diverse; XBA DMIA=Cross-Battery Assessment Data Management and Interpretive Assistant. Essentials of Cross-Battery Assessment, Second Edition, 2007.

The following FAQs should answer some commonly asked questions about the Assessment.

Table 9-13
FAQs: Intellectual Assessment of Culturally and Linguistically Diverse Students

Question	Answer
To use Culture-Language Test Classifications (C- LTC) and Culture- Language Interpretive Matrix (C-LIM), must I use "CHC Cross-Battery Assessment"?	No. Any combination of tests or test battery is acceptable; C-LTC and C-LIM are used to analyze and interpret the results. The administration of the culture-language test classifications are independent of what the tests are actually designed to measure. Their organization is based on the degree to which they share the characteristics of cultural loading and linguistic demand rather than a particular cognitive ability, such as visual or auditory processing.
How do we handle a student whose language profile is blacked out on the "Ochoa & Ortiz Multidimensional Assessment Model (MAMBI)?"	Exceptions to the "illogical" or "improbable" classifications include: Refugee students who arrive in the U.S. at older ages with no or very limited prior schooling. Those who have begun or have already learned English may display language Profile 2 (L1 emergent/L2 minimal) or Profile 3 (L1 fluent/L2 minimal). The length of time the student has received formal education and how long they have been learning English is critical. High school students may in fact have few years of formal instruction and learning English. Treat these as similar to students who display profile 2 within the K-4 category. Evaluate the student's developmental pattern as opposed to relying solely on age or grade placement.
	International adoptees or refugees who lost or had limited native language development and have learned English within the adopted home might display Profile 7 (L1 limited/L2 fluent) or Profile 8 (L1 emergent/ L2 fluent). The recommended mode of evaluation would be more like Profiles 2 and 4 within the K-4 category.
MAMBI seems to equate CALP with reading/writing skills. Discuss late-arriving refugees without prior schooling or literacy skills with higher skills in oral expression & reasoning.	The concept of CALP has never been strictly specified from a theoretical standpoint and thus how it is to be operationalized can vary significantly. Generally, reading and writing are components of CALP which emerge as a function of formal schooling. Yet, it is possible that students develop higher order skills related to oral language use and communication that are evidence of some type of CALP. This level of CALP may be measured by SOLOM informally or by Bilingual Verbal Abilities Test (BVAT) formally.
The Ochoa & Ortiz MAMBI seems to imply that students who are served primarily in ESL programs cannot be identified as students with Specific Learning Disabilities. Is this true?	No. Students served in ESL-only and general programs are equally identifiable. The only reason it seems that it is harder is that the lack of native language instruction needs to be ruled out as the primary cause for the student's learning problems. This is not impossible, only difficult as compared to students in native language programs where the issue has already been dealt with. Thus, with students in native language programs, instructional factors are much more easily eliminated as possible causes of observed learning difficulties.

Question	Answer
The link between MAMBI and C-LTC/C-LIM is unclear. When recommending assessments in English as the primary or secondary assessment mode, should C-LTC/C-LIM be used?	MAMBI provides guidance on the method, e.g., native language or bilingual which is likely to yield the fairest estimates of actual ability. If C-LTC/C-LIM is not used, MAMBI leads to the least discriminatory mode of assessment. Use C-LTC after choosing assessment modality to "hand pick" the tests that measure the constructs of interest with the least amount of cultural loading or linguistic demand and bias leading to fairest evaluation of the student's abilities. Use C-LIM to analyze test results, MAMBI to select the modality, C-LTC to select the fairest tests within that modality, and C-LIM to interpret the results.
C-LTC categorizes subtests according to low/ medium/ high language demand and cultural loading. Is it appropriate to plot student's language and cultural background (low/medium/high), English proficiency and low/medium/high degree of acculturation? If so, how do the categories correlate to the various language profiles on the MAMBI?	Yes, determine the student's degree of "difference" in terms of English language proficiency and level of acculturation. The language profiles in MAMBI would break down as follows: minimal (CALP level=1 or 2) is "low," emergent (CALP level=3) is "moderate" and fluent (CALP level=4 or 5) is "high." Levels of acculturation can also be equated fairly simply and in the same manner from results of acculturation checklists or other data and information that were gathered. Thus, in terms of "difference," which is the key to fair assessment and interpretation, individuals with high degrees of English proficiency and high degrees of acculturation would be only "slightly different." Those with more moderate levels of proficiency and acculturation would just be "different" or "moderately different." Those with low levels of proficiency and acculturation would be "markedly different." Note that proficiency and acculturation are highly related to and predict each other. Thus, although possible, it's unlikely that a student will be at two different levels at the same time and any such differences ultimately must be resolved into one category or another.
The UNIT is designed to evaluate verbal reasoning skills through nonverbal means. Do you think it does so adequately?	No. The kind of internal, meta-linguistic processes that people may use during the completion of a task are not the same as the overt use of receptive and expressive oral language skills that are demanded and measured by other tasks. No compelling evidence shows that self-talk is required for completing tasks on the UNIT. They may well be completed without any internal verbal mediation. In short, the only appropriate and valid way to measure verbal reasoning skills is through verbal reasoning tasks.
Should the UNIT be used as a stand-alone instrument (as the only measure of intellectual ability)? If not, what additional measures should it be combined with?	The UNIT is used as a stand-alone measure of intellectual ability in some circumstances, particularly if the results are analyzed via C-LIM. However, when culture and language are ruled out as primary influences on the results, practitioners may find that they have measured a relatively limited range of cognitive abilities. The UNIT tends to measure visual processing (Gv) almost exclusively with one test of fluid intelligence (Gf) added. Thus Gv is well represented on the UNIT, but Gf is underrepresented and many important areas of functioning, such as short-term memory, auditory processing, long-term retrieval, processing speed, etc., are not represented at all. Thus, if a more comprehensive evaluation of cognitive abilities is desired, supplementing the UNIT is necessary. Give subtests from the WJ III cognitive battery as it contains at least two good measures of all of the abilities that may be relevant or of interest.

Question	Answer				
Should interpreters be used in the administration of the UNIT?	The UNIT can be administered entirely in pantomime using eight gestures provided in the instructions. However, how these gestures (which represent a de facto language and communication system) are to be taught to an individual who does not speak or understand English is unclear. Therefore, the UNIT can be administered via use of an interpreter subject to the conditions described in the section above on "Native Language Assessment and the Use of Interpreters." This person should ensure that the student knows the purpose of the activity, when to start, stop, and when to work quickly.				
Many batteries place a premium on speed and quick responses. Are modifications in administration such as allowing more time recommended?	Yes, but only in cases where the test has already been administered in English in a standardized manner. The second administration, presumably conducted in the native-language via a translator or via a native-language test, is the recommended point at which modifications such as removing time constraints, testing the limits, additional mediation, and so forth should be employed. But the ability to draw valid and equitable inferences from the data rests on following the procedures outline above in the section titled "Native Language Assessment and the Use of Interpreters."				

Note: Developed in collaboration with Dr. Samuel O. Ortiz, St. John's University, New York.

Suggested Readings for Interpreting Cognitive Abilities of Culturally Diverse Learners:

Flanagan, D., Ortiz, S., and Alfonso, V. (2007). Essentials of Cross-Battery Assessment. Hoboken, N.J. John Wiley & Sons.

Kaufman, A., Lichtenberger, E., Fletcher-Janzen, E., & Kaufman, N. (2005). Essentials of KABC-II Assessment. Hoboken, NJ: John Wiley & Sons.

National Association of School Psychologists. (2008). Best Practices in School Psychology V. Bethesda, MD: Thomas, A., & Grimes, J.

Analyzing the Problem - Applying the Discrepancy Formula

The required level necessary to determine a severe discrepancy between general intellectual ability and achievement is -1.75 standard deviations (SD) below the mean of the distribution of difference scores for the general population of individuals at the student's chronological age.

A severe discrepancy must be determined with individually administered standardized tests using standard procedures. Both general intellectual ability and achievement levels must be assessed with these practices. When the standardized assessment is complete, the Minnesota Regression Table must be used to determine a severe discrepancy; it is included at the end of this section. A subtest, a screening instrument, or diagnostic test score may not be used to calculate a severe discrepancy.

Broad abilities are analyzed to identify suspected areas of strength and weakness. Although eligibility decisions may be made off of broad or cluster scores, cluster scores should be used for validating eligibility decisions as they are more narrowly focused and go further in identifying relevant performance differences within the individual and compared to a normative group.

Best practice indicates that cluster scores be comprised of at least two or three subtests which are under the test's same theory of cognitive abilities/processes, and preferably developmentally appropriate to the individual being tested. Subtest scores may be used to further understand the nature of strengths and weaknesses as well as direct focus during instructional planning and goal setting. Only use global intelligence scores when there is no significant factor or subtest variability. Use only broad or cluster scores to analyze achievement.

Minnesota Regression Table

Use the Minnesota Regression Table to determine a severe discrepancy consistent with state criteria. In previous practice, teams were to assume a .62 correlation and used only that column to determine discrepancy. For more accurate practice, current research tells us to identify and use the appropriate correlation for the specific ability test and the achievement test used in the assessment.

The steps below show how to accurately use the Minnesota Regression Table.

Step 1: Find the correlation between the ability and achievement tests administered to the student. Such information will usually be available at different age levels in the technical manuals provided by the test publishers. It is helpful to consult with someone who is well-versed in the technical aspects of tests, such as a school psychologist, to locate the information. If a specific correlation is not available, use the .62 correlation column.

Step 2: If the student's achievement score (standard score) is equal to or less than the score reported in the correlation column, then the student's discrepancy is considered severe and meets this part of the SLD eligibility criteria. Caution: This is just one of three criteria for SLD eligibility. The team must also verify and document the presence of the other two criteria elements (severe underachievement and basic psychological processing condition).

Step 3: The team must verify this discrepancy through other measures such as observation, performance-based measures, etc.

Minnesota Regression Formula

In order to provide the cutoff values tabled for an achievement test, a regression formula was chosen. Expected achievement scores were calculated for each IQ. The regression formula has the general form (Ferguson, 1966):

$$Y = [rxy Sy(IQ - x)] \div [y Sx]$$

where

Y = the expected achievement score for a given IQ score

rxy = the IQ – achievement score correlation

Sy = the standard deviation of the achievement scores

x = the mean IQ

Sx = the standard deviation of the IQ scores

y = the mean achievement standard score

The next calculation in this discrepancy formula is to determine a significant (severe) deviation from the expected achievement score. This is accomplished by defining discrepancy in terms of standard deviation units from the expected achievement scores.

The average standard deviation can be determined without actually computing these values (scores) for each of the achievement distributions. With a large sample, the average standard deviation can be directly obtained from the equation for the standard error of estimate (measurement) (Blommers and Lindquist, 1960):

$$SD_v \sqrt{(1-r_{xy}^2)}$$

Where:

SD_v = the standard deviation of all of the achievement scores

r_{xx} = the IQ-achievement score correlation

For Minnesota criteria this value is $SD_y \sqrt{1-r_{xy}^2}$ which is then multiplied by 1.75 (the criteria established in Minnesota rule) and subtracted from the expected achievement score resulting in achievement cutoff scores.

In absence of other correlation information the practice in the field has been to use the .62 correlation column in the Minnesota Regression Table. The .62 correlation column is closest to a .63 correlation. The estimate of .63 was obtained by accepting 70 percent of the theoretical limit of the true correlation as the correlation between ability and achievement. Seventy percent was chosen because it was found most accurate in predicting known correlation coefficients.

The Minnesota Regression Table below shows the correlation between ability and achievement tests.

Ability Score	Correlation											
	.32	.37	.42	.47	.52	.57	.62	.67	.72	.77	.82	
	Achievement Standard Scores											
75	67	66	66	65	65	64	64	64	64	64	64	
76	67	67	67	66	66	65	65	65	64	65	65	
77	68	67	67	66	66	65	65	65	65	66	66	
78	68	67	67	66	66	66	66	66	66	66	66	
79	68	68	67	67	67	66	66	66	67	67	68	
80	69	69	68	68	67	67	67	67	67	68	69	
81	69	69	68	68	68	68	68	68	68	69	69	
82	69	69	69	68	68	68	68	68	69	69	70	
83	70	69	69	69	69	69	69	69	70	70	71	
84	70	70	69	69	69	69	69	70	70	71	72	
85	70	70	70	70	70	70	70	70	71	72	73	
86	71	70	70	70	70	70	71	71	72	72	73	
87	71	70	71	71	71	71	71	72	72	73	74	
88	71	70	71	71	71	72	72	72	73	74	75	
89	72	72	72	72	72	72	73	73	74	75	76	
90	72	72	72	72	72	73	73	74	75	76	77	
91	72	72	72	73	73	73	74	74	75	76	78	
92	73	73	73	73	73	74	74	75	76	77	78	
93	73	73	73	74	74	74	75	76	77	78	89	
94	73	73	74	74	74	75	76	76	77	79	80	
95	74	74	74	74	75	76	76	77	78	79	81	
96	74 74	74	74	75 75	75 76	76	77	78	79	80	82	
97 98	74	75 75	75 75	75 76	76 77	77 77	78 78	79 79	80 80	81 82	83 83	
99	75	75	76	76	77	78	79	80	81	82	84	
100			76	77	78	78	79					
100	75 75	76 76	76	77	78 78	78 79	80	81 81	82 83	83 84	85 86	
101	76	76	77	78	79	80	81	82	83	85	87	
102	76	77	77	78	79	80	81	83	84	86	87	
104	76	77	78	79	80	81	82	83	85	86	88	
105	77	77	78	79	80	81	83	84	85	87	89	
106	77	78	79	80	81	82	83	85	86	88	90	
107	77	78	79	80	81	82	84	85	87	89	91	
108	78	79	80	81	82	83	84	86	88	89	92	
109	78	79	80	81	82	84	85	87	88	90	92	
110	78	79	80	82	83	84	86	87	89	91	93	
111	79	80	81	82	83	85	86	88	90	92	94	
112	79	80	81	82	83	85	86	88	90	92	94	
113	79	80	82	83	84	86	87	89	91	93	96	
114	80	81	82	83	85	86	88	90	92	94	96	
115	80	81	82	84	85	87	89	91	93	95	97	
116	80	82	83	84	86	88	89	91	93	96	98	
117	81	82	83	85	86	88	90	92	94	96	99	
118	81	82	84	85	87	89	91	93	95	97	100	

Ability Score	Correlation										
	.32	.37	.42	.47	.52	.57	.62	.67	.72	.77	.82
	Achievement Standard Scores										
119	81	83	84	86	87	89	91	93	95	98	101
120	82	83	85	86	88	90	92	94	96	99	101
121	82	83	85	87	88	90	92	95	97	99	102
122	82	84	85	87	89	91	93	95	98	100	103
123	82	84	86	88	90	92	94	96	98	101	104
124	83	84	86	88	90	92	94	97	99	102	105
125	83	85	87	89	91	93	95	97	100	103	105
126	83	85	87	89	91	93	96	98	101	103	106
127	84	86	88	90	92	94	96	99	101	104	107
128	84	86	88	90	92	94	97	99	102	105	108
129	84	86	88	90	93	95	97	100	103	106	109

Note: Both the ability and achievement scores are based on a mean standard score of 100 with a standard deviation of ±15. In constructing this table, standard scores were rounded to the nearest whole number.

Scores of Less Than 75

The Minnesota Regression Table may not be used with standard scores on measures of general intellectual ability of less than 75 for two reasons. First, there is a general concern in the field that the correlation between tests and the reliability of individual tests is low at a level greater than two standard deviations from the mean, making the statistical comparison difficult.

Second, the effects of cognitive impairment on achievement must be discussed and ruled out as the primary reason for a student's underachievement (see Exclusionary Factors in Chapter 7). The IEP team must discuss general academic expectations for a student with low ability. Ruling out the effects of a cognitive impairment on achievement is difficult. IEP teams may not extend the Minnesota Regression Table to include lower scores. The scores on the Minnesota Regression Table are computed using a regression formula (see Appendix C). Scores of 75 or lower require an override.

Specific Guidance in Applying the Discrepancy Formula

In instances where a student was referred, but standardized achievement data indicate within grade-level or ability level expectations, a determination of SLD eligibility will not likely be substantiated. The team may wish to problem-solve why performance on assessments is higher than classroom functioning.

Students with exceptionally high abilities may very well exhibit intra-individual discrepancies. A discrepancy between achievement and aptitude must be put in the context of grade-level expectations. If the student is performing within what is expected of his/her age or state approved grade-level standards, a determination of SLD may not be appropriate. There is no legal obligation to provide specialized services for a student performing within grade-level.

If the discrepancy is not in the area of referral concern, the team should ask why it was not identified during the problem identification phase of comprehensive evaluation.

When the area of concern identified through comprehensive evaluation is not connected to the referral concern, the team should revisit the first step in the problem-solving process to understand how the data informs accurate identification of the learning problem. The team should examine multiple sources of data to look for a connection to inadequate achievement vis-à-vis age or state-approved grade-level standards.

Other Example Questions to Consider:

- Did the curriculum and instruction provided address the needed skill development?
- How was the hypothesis of the problem defined?
- What did progress monitoring and changes in the interventions indicate?
- Were multiple sources of data used? Is there a mismatch between curriculum expectations and norms of standardized assessments?
- Does analysis of standardized achievement results indicate a low subtest score that might have other implications? For example, low spelling scores reflect proficiency of reading skills more than written expression.
- In a setting where students have more that one teacher for academic subjects, does teacher A "never refer" students, while teacher B does refer within his/her subject area?
- Were cultural and linguistic factors considered?

Teachers' concerns are frequently based on their perception of the student's primary area of concern based on the data, observations, and their professional judgment. The purpose of the comprehensive evaluation process is to determine if eligibility for a disability has been met.

Specific Guidance to Interpret Data to Determine Discrepancy in Reading Fluency

The following suggestive guidance and procedures from Minnesota Department of Education is not mandated. They apply under the following circumstances:

- The student has been referred for a concern in the area of reading fluency and interventions have been implemented to improve reading fluency.
- Student does not qualify via criteria for basic reading skills or reading comprehension.
 - o If student meets criteria in basic reading skills, there would be no need to determine eligibility in the area of reading fluency. In the evaluation report, document the need for specialized instruction in reading fluency when need for instruction can be accounted for beyond what is attributable to poor accuracy in basic reading skills.
 - If the student meets criteria for inadequate achievement in reading comprehension, the team should use reading comprehension for meeting eligibility criteria. The team would need to note that data indicates a need for specially designed instruction in reading fluency in the evaluation report.

When interpretation of multiple sources of data indicates that the student has accurate decoding skills, inadequate reading rate and poor prosody despite high-quality instruction, further evaluation for meeting criteria in reading fluency may be justified. The following procedures for identifying discrepancy in the area of reading fluency follow

quality practices in problem identification as well as being psychometrically defensible.

To identify an inadequate achievement in reading fluency, we suggest using multiple data sources, gathered across time.

Step 1:

- 1. Evaluate progress-monitoring data from pre-referral interventions that were delivered with fidelity, well matched to student needs, and proven effective to accelerate growth in fluency skills across time (see National Center on Student Progress Monitoring for definitions and sample tools).
- 2. Document how well the student responded to explicit attempts to improve fluency. Note what worked and did not work given intensive interventions.
- 3. If progress-monitoring data was not gathered, interventions were not administered faithfully, or data gathered during interventions is not valid or reliable, gather multiple measures of reading fluency and look for convergence in the standardized assessment data (2 of 3 independent measures).
- 4. Look for error rates to decrease and accuracy to increase to 95 percent with rate of reading approaching grade-level or benchmark expectations.

Note: At this time there is currently not a test or group of tests that would yield a cluster score for calculating a discrepancy in reading fluency. Scores from independent measures should not be aggregated and used to calculate a discrepancy.

Step 2:

 Measure two of the three aspects of fluency important in facilitating reading comprehension (accuracy, rate, and prosody). Prosody is not likely to develop if accuracy and rate are significantly below expectations.

Note: For more information on assessments see lists of assessments and tools (see attached lists of assessments).

2. Consider data from multiple fluency measures to identify what skills the student is able to perform proficiently (see also the diagnostic sequence in the appendix for more details). Lower scores on measures of connected text than word lists may indicate slower oral production, orthographic processing normative weakness, or lack of automaticity in decoding skills. If the student also has lower scores in spelling and morphographic knowledge an orthographic processing a normative weakness is more likely.

Step 3:

- 1. If, through an analysis of multiple sources of data, the team can rule out accuracy in decoding or word identification, then it may also rule out oral motor production concerns.
- 2. If oral motor production problem exists, use alternative measures to establish poor reading fluency (e.g., MAZE when appropriate). Silent reading fluency measures do not allow analysis of decoding skills, so they should be considered after accuracy of decoding has been established.

Step 4:

- 1. Determine the extent to which inadequate fluency is adversely impacting reading comprehension.
 - o Does student comprehend despite low oral reading rate?
 - o What types of comprehension tasks prove easier more difficult?
 - How well does the student score on vocabulary measures or language measures? Students with only a fluency problem are less likely to have normative weakness in language or weaknesses in vocabulary. The exception may be instances where a student has both a phonological processing normative weakness and a rapid naming normative weakness.
- 2. When both phonological and rapid naming normative weaknesses exist, the student may present with accuracy and fluency problems and lower vocabulary scores.
- 3. Teams should consider first qualifying the student using basic reading skills and include services for both word attack and fluency.

Step 5:

- 1. Establish a case and document low achievement in the area of reading fluency that is discrepant from what would be predicted by global ability index scores.
- 2. Incorporate the following data into the evaluation report:
 - Data from repeated measures or progress monitoring indicating that student is not responding to high-quality instruction or research-based interventions in fluency.
 - Data on accuracy, rate, and prosody has been evaluated and summarized. Scores should be judged as significantly lower than age or state approved grade-level standards, or intellectual development.
 - Data indicating impact of performance in spelling and comprehension not primarily attributable to a normative weaknesses in language or vocabulary.
 - Data indicating normative a normative weakness in processing speed, working memory, short-term memory, associative long-term memory, orthographic processing, or oral motor production as corroborating evidence of an information-processing normative weakness.
 - O Until a cluster score for fluency can be calculated, teams may establish a case for an override. The next two steps are crucial to making a case for an override. Document the sources of valid and reliable evidence that the team believes indicate greatest relative importance for establishing a discrepancy between what would be expected (IQ or GAI scores) and current level of performance (fluency scores).
 - o If a cluster score is not available explain why the procedures if used would not yield a valid and reliable discrepancy score. For example, an override is justifiable because psychometrically defensible assessments are not yet available provide a cluster score (of accuracy, rate and prosody) that can be included within the discrepancy calculation.

Important: MDE does not recommend specific tests to identify inadequate achievement in fluency. However, districts are required to use tests for the purposes for which they were designed. Tests should be technically adequate, developmentally appropriate, and reflect the nature of task demands in the classroom. Teams should be intimately aware of what the test measures and the appropriateness of the measure used to establish levels of achievement, etc. According to Christine Espin's Ph.D. work with Curriculum Based Measures MAZE scores are measures of fluency, not comprehension.

External Evaluation

Outside evaluations are those assessments and evaluations conducted outside of the school setting. These can be initiated by either the school or the parent. Some reasons that either party may seek this type of assessment are:

- The school does not have personnel qualified to conduct the necessary evaluation.
- Parents may seek outside assessment prior to the school team moving to the evaluation process.
- Parents may request or bring in outside evaluations that identify medical diagnoses such as Central Auditory Processing Disorder, Attention Deficit Hyperactivity Disorder, Non-verbal Learning Disability, Fetal Alcohol Syndrome, etc.
- Parents may wish to have an evaluation completed by an impartial person.
- Parents have the right to request an independent educational evaluation (IEE) should they disagree with the conclusions from the school assessment and evaluation.
- A hearing officer or court order requires it.

Parents may request an independent educational evaluation at the school district's expense if the parents disagree with the school district's evaluation results. While the team must consider information from an outside evaluation, it can accept it in part or whole or reject the information if it has data to dispute the findings. A diagnosis made according to DSM or other independent diagnostic criteria is not synonymous with federal regulations governing Special Education Eligibility.

According to federal and state special education rules, a student may have a disability or impairment that is not a disability for educational purposes. For example, the student may have a disability (such as Dyslexia or ADHD), but may not be in need of special education and related services. However, that same student may be in need of accommodations made available through a Section 504 plan.

According to federal and state special education rules, a student may have a disability or impairment that is not a disability for educational purposes.

It is the responsibility of the team determining eligibility to take seriously the findings of an outside evaluation and apply them to a two pronged test. Do the findings meet the Federal definition of disability (criteria in one of 13 categories)? Does the student's disability interfere with learning and require specially designed instruction to make progress in the general curriculum?

The following figure depicts the process of considering outside evaluation data. When the team is presented with a medical diagnosis or diagnosed disorder, it must weigh it against the criteria outlined in the federal definition of a disability. It must also determine the impact on a student's learning. The impact on learning is likely to determine whether the student meets criteria and need for a 504 plan or an IEP.

Twice-Exceptional Students

For a student that is twice exceptional, identified with a diagnosed disorder and advanced abilities, the goal may be to design instruction to both accommodate advanced abilities and accelerate achievement of below grade-level abilities.

The Twice-Exceptional Student also needs to demonstrate a need for specially designed instructional services. Federal regulations and state statutes require the student to be demonstrating inadequate achievement according to state approved grade-level standards in one of the eight areas (listening comprehension, oral expression, basic reading skills, reading fluency, reading comprehension, written expression, mathematics calculation, mathematical problem solving).

Important: The rest of this section provides specific guidance on issues related to using independent evaluation data.

Parent Rights

Rule language does not preclude teams from considering intervention data gathered from tutoring. To be clear, teams should discuss the nature of data gathered, the evidence-based practice being used and the fidelity of instruction. Regardless of where the intervention data comes from, to be used as evidence for meeting eligibility criteria all intervention data considered within the comprehensive evaluation needs to meet state criteria under Subpart 2 D.

Communicating with Parents Seeking/Bringing Independent Educational Evaluation (IEE) Data to the Team

Parents may bring an outside evaluation to the school district staff for consideration during the evaluation process. The district is not obligated to accept that information but only to seriously consider that data.

If the parents ask the school about an independent educational evaluation that the parents have funded but want the school district to consider, the parents must understand that the outside evaluation does not necessarily take priority over the school district evaluation.

Connecting Independent Educational Evaluations (IEEs) with Scientific Research-Based Intervention (SRBI) data

• District staff should check if they are evaluating the same thing as the independent evaluator or something different. The differences should be explained to the parent. Schools need to know when in the process the independent educational evaluation was completed. Given data from the independent evaluation, teams should consider the likely effectiveness of intervention efforts. Any data that can be used to further identify the learning problem and necessary ongoing instructional supports should be included in the problem-solving process. Refer to the section on re-analyzing the problem within this chapter for how to manage data that is contradictory.

The team may incorrectly determine the student has an SLD because:

- Parent(s) and their attorney are pressing for special education services; the path of least resistance may be to identify the student with SLD.
- Every year the parent(s) request a comprehensive assessment in writing.

The identification of SLD has long-term consequences, both positive and negative for the student and the family. In instances where data from an independent evaluation indicates a diagnosis of a disorder, teams have an obligation to seriously consider the results of that evaluation.

If there is no or limited impact on educational performance, the student may have a diagnosis of a disorder, but be taught in the general education setting. If there is "substantial impact on a major life function" and the student requires accommodations to access the general curriculum, then the student may qualify for a 504 plan (Section 504 of the Rehabilitation Act). The multi-disciplinary team may decide to move forward with interpreting the data for the purposes of designing appropriate 504 accommodations and modifications. This step may require convening another meeting with staff responsible for making 504 determinations. If the multi-disciplinary team determines that in addition to the data from the independent evaluation, there is data sufficient to meet state SLD criteria, then the student may be eligible for special education services.

Interpreting Data for Young Students Aging Out of Developmental Delay (DD)

The following checklist may assist teams in determining eligibility for students aging out of Developmental Delay.

- Review existing and new assessment data.
- Review medical history (include information from non-school service providers, including the parents), developmental history and social history.
- Review student's present level of educational performance and progress monitoring data over time that was provided in the ECSE and/or kindergarten program.
 Determine if the areas of achievement or behavior are reliably displayed, unique to a student with a disability and adversely impacting achievement in a meaningful manner.
- Determine which of the eight areas of inadequate achievement are impaired.
 Determine whether the young student receiving services under the ECSE or general education program will be assessed for a suspected specific learning disability or will be exited from special education services. Students who exit from DD, but do not meet SLD criteria, may need to be screened for targeted intervention, additional curriculum supports or accommodations provided within general education in order to make progress in the general curriculum.

References

- Brown III, Frank R., Aylward, Elizabeth H., Keogh, Barbara K. (1996) http://www.ldonline.org/article/6366
- Flanagan, D.P. and Kaufman, A. S. (2004) Essentials of WISC-IV Assessment, Hoboken, New Jersey, John Wiley & Sons.
- Flanagan, D.P., Ortiz, S.O. Alfonso, V.C. (2007) Essentials of Cross Battery Assessment, Second Edition, Hoboken, New Jersey, John Wiley & Sons.
- Lau, M. & Blatchley, L.A. (2009) A comprehensive, multidimensional approach to assessment of culturally and linguistically diverse students, In Jones, J., The Psychology of Multiculturalism in the Schools, A Primer for Practice, Training, and Research, Bethesda, MD: National Association of School Psychologists.
- Mercer, Cecil (2009) Learning Disabilities. 7th ED. Pearson
- Raiford, S.E., Weiss, L.G., Rolfhus, E., Coalson, D. (2008) WISC_IV General Ability Index, Technical Report #4. January 2005, Pearson Education, Inc.
- Reschly, D. (1979). Nonbiased assessment. In G. Phyre & D. Reschly (Eds.) School Psychology: Perspectives and Issues (pp. 215-253). New York: Academic.
- Reschly, D. & Grimes, J. P. (2005). Best Practices in Intellectual Assessment. Best Practices in School Psychology IV (pp. 1337-1350). Washington, DC: National Association of School Psychologists.
- Sattler, J. M. (2008) Assessment of Children's Cognitive Foundations, Fifth Edition, San Diego, CA, Jerome M. Sattler, Publisher, Inc.
- Wechsler, D. (2003) Wechsler Intelligence Scale for Children-Fourth Edition. San Antonio, TX: Harcourt Assessment, Inc.



10. Deciding Eligibility

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Note: Throughout this chapter, where teams are mentioned, they always include the parents.

Chapter Overview

The focus of the SLD Manual has been to guide teams in the use of problem solving and comprehensive evaluation in order to develop high quality instruction matched to an individual's needs. Evaluation is primarily used to determine the next instructional steps; eligibility for special education is just one possible next step. This chapter covers the last phase in the eligibility determination process, which is, making the decision whether to qualify a student for special education services.

The chapter begins with a thorough review of the federal laws and regulations and state statutes and rules relating to determining eligibility. It provides teams with a tool, the SLD Eligibility Criteria Worksheet, located in the Quality Practices section to aid in this step. A discussion of the possible results of this work follows, including guidance on making eligibility decisions for special cases and how to involve parents in this important step. The chapter ends with guidance on developing an Individualized Education Program (IEP) after an SLD determination.

Regulations and Rules

Note: Regulations, statutes, and rules form the basis for legal compliance and are provided below to help readers understand the requirements of law.



Determining Eligibility

To determine a student's eligibility for special education, each district must conduct a full and individualized evaluation of the student. The evaluation must meet all state and federal requirements. The evaluation team uses both formal and informal procedures to determine the specific areas of a student's strengths and needs.

The evaluation must include the following steps and may include others:

- Provide the parent(s) with prior written notice of each proposed evaluation.
- Ensure tests or evaluation tools are administered by trained and knowledgeable personnel.
- Assess the student in all areas related to the suspected disability.
- Present all evaluation results to the parent(s) in writing within state and federal timelines.
- Determine whether the child or student meets state eligibility criteria.
- Ensure the individual evaluation is sufficiently comprehensive for the team to identify all of the student's special education and related services needs, whether or not linked to the disability category in which the child has been classified.

Federal Law and State Rules Relating to the Development of the Evaluation Report

- 34 CFR 300.305 (a)(1) As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child.
- 34 CFR 300.306 (c)(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 must ensure the information obtained from all such sources is documented and carefully.
- 34 CFR 300.304 (c)(6). Ensure the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

In interpreting evaluation data for the purpose of determining if a child is a child with a disability under 34 CFR 300.8, and the educational needs of the child, each public agency must:

- 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.

This section refers to Minnesota Rule 3525.2710, subp. 6.

An evaluation report must be completed and delivered to the pupil's parents within the specified evaluation timeline. At a minimum, the evaluation report must include:

- A. A summary of all evaluation results;
- B. Documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability;
- C. The child's present levels of performance and educational needs that derive from the disability;
- Whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services; and
- E. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

Secondary Transition

This section refers to 34 CFR 300.305(e)(3)

For a child whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for Free Appropriate Public Education under state law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

This section refers to Minnesota Statutes section 125A.08(a)(1):

... By grade 9 or age 14, the student's individual education plan addressed the need for transition from secondary services to post-secondary education and training, employment, community participation, recreation, and leisure and home living ...

This section refers to Minnesota Rule 3525.2900, subp. 4(A)-(B):

For each pupil, the district shall conduct an evaluation of secondary transition needs and plan appropriate services to meet the pupil's transition needs. The areas of evaluation and planning must be relevant to the pupil's needs and may include work, recreation, leisure, home living, community participation, and postsecondary training and learning opportunities. To appropriately evaluate and plan for a pupil's secondary transition, additional IEP team members may be necessary and may include vocational educational staff members and other community agency representatives.

Secondary transition evaluation results must be documented as a part of the evaluation report. Current and secondary transition needs, goals, and instructional and related services to meet the pupil's secondary transition needs must be considered by the team with annual needs, goals, objectives, and services documented on the pupil's IEP.

State Rule Related to Initial Evaluations

This section refers to Minnesota Statutes section 125A.08(a)(4).

Every district must ensure that eligibility and needs of children with a disability are determined by an initial assessment or reassessment, which may be completed using existing data under United States Code, title 20, section 33, et. seq.

State Rule Related to Re-evaluations

This section refers to Minnesota Rule 3525.2710, subp. 4(A)(1).

A review of existing evaluation data on the pupil, including evaluations and information provided by parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation

This section refers to Minnesota Rule 3525.2710, subp. 4(D)-(E).

Subp 4 (D). If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.

Subp 4 (E). A district shall evaluate a pupil in accordance with this part before determining that the pupil is no longer a pupil with a disability.

The remainder of this section covers regulations and rules that pertain to deciding eligibility.

Federal Regulation and State Statute Related to Determining Disability

This section refers to 34 CFR 300.306(a):

- Upon completion of the administration of assessments and other evaluation measures:
 - A group of qualified professionals and the parent of the child determine whether the child is a child with a disability, as defined in section 300.8, in accordance with paragraph (b) of this section and the educational needs of the child.

- The public agency provides a copy of the evaluation report and the documentation of determination of eligibility to the parent.
- A child must not be determined to be a child with a disability:
 - If the determinant factor for that determination is:
 - Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA).
 - Lack of appropriate instruction in math.
 - Limited English proficiency.
 - If the child does not otherwise meet the eligibility criteria under section 300.8(a).

As defined in Minnesota Statutes section 125A.02, subd. 2, a child with a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, is not a child with a disability.

State Rule Relating to Criteria for Specific Learning Disability

This section refers to Minnesota Rule 3525.1341, subp. 3.

Determination of specific learning disability. In order to determine that the criteria for eligibility in subpart 2 are met, documentation must include:

- A. an observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the parents and the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:
 - (1) use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for a special education evaluation; or
 - (2) conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and
 - (3) document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
- B. a statement of whether the child has a specific learning disability;
- C. the group's basis for making the determination, including that:
 - (1) the child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes described in subpart 1 documented by 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
- (2) the child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural, or economic influences; limited English proficiency; or a lack of appropriate instruction in reading or math, verified by:
 - (a) data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and
 - (b) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents;
- D. educationally relevant medical findings, if any;
- E. whether the child meets the criteria in subpart 2, either items A, B, and C or items A, B, and D; and
- F. if the child has participated in a process that assesses the child's response to SRBI, the instructional strategies used and the child-centered data collected, the documentation that the parents were notified about the state's policies regarding the amount and nature of child performance data that would be collected and the general education services that would be provided, strategies for increasing the child's rate of learning, and the parent's right to request a special education evaluation.
- Subp. 4. **Verification.** Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.

The district's plan for identifying a child with a specific learning disability consistent with this part must be included with its total special education system (TSES) plan. The district must implement its interventions consistent with that plan. The plan should detail the specific SRBI approach, including timelines for progression through the model; any SRBI that is used, by content area; the parent notification and consent policies for participation in SRBI; procedures for ensuring fidelity of implementation; and a district staff training plan.

State Rule Relating to Procedures for Documenting an Override

This section refers to Minnesota Rule 3525.1354, subp. 1.

The team may determine a pupil is eligible for special instruction and related services because the pupil has a disability and needs specially designed instruction even though the pupil does not meet the specific requirement in parts 3525.1354. The team must include the documentation in the pupil's special education record according to items A, B, C, and D.

- A. The pupil's record must contain documents that explain why the standards and procedures that are used with the majority of pupils resulted in invalid findings for this pupil.
- B. The record must indicate what objective data were used to conclude that the pupil has a disability and is in need of special instruction and related services. These data include for example, test scores, work products, and self-reports teacher comments, medical data, previous testings, observational data, ecological [evaluations], and other developmental data.
- C. Because the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision.
- D. The team override decision must be signed by the team members agreeing to the override decision. For those team members who disagree with the override decision, a statement of why they disagree and their signature must be included.

Federal Law Relating to Exiting a Child from Special Education

This section refers to 34 CFR 300.305(e).

- 1. Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with § 300.304 through 300.311 before determining that the child is no longer a child with a disability.
- 2. The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from a secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.
- 3. For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals.



Quality Practices

The focus of the SLD Manual is to use problem solving and comprehensive evaluation as a means to provide high quality instruction matched to an individual's needs. The evaluation is primarily for determining the next instructional steps, with eligibility for special education being one possible solution.

The comprehensive evaluation process is thorough and involves intensive problem solving. All team decisions about eligibility and student need should rely on data-based decisions.

Note: See the blue box at the bottom of this Quality Practices section for more information.

The data gathered to document the individual's ongoing educational needs also allows the team to answer the questions of eligibility.

Throughout the SLD manual, the quality practice sections and accompanying questions within each chapter have sought to answer the following:

- What is known about the student's learning during instruction, intervention, and problem solving?
- What result of supplemental efforts, aligned with grade-level standards, was implemented to accelerate the student's rate of learning and level of performance?
- What has and has not worked to increase participation in the general education environment, (instruction modifications, accommodations, assistive technology, or parental support in the home)?
- What factors (environmental, instructional, intrinsic, etc.) limit performance? What supplemental efforts mediated the effects of the impairment?
- What in the student profile leads the team to suspect a disability and the need for special education and related services?

When all the answers are in, the team should be able address the legal issues of disability, entitlement for services, and personal rights.

- What additional supports, accommodations, or modifications are necessary to provide access to grade-level expectations?
- What educational supports would be sufficiently rigorous to accelerate performance towards grade or age level achievement standards?
- What supports are required to help the student gain control over his/her education and independent living skills?
- What accommodations, modifications, or instructional supports are required to maximally accelerate development of academics or behavior?

The eligibility determination process is recursive, a point that has been discussed in previous chapters. Teams, including parents, should integrate and summarize all of the answers above in order to provide a clear picture of how the student learns, what the student's current levels of performance are, as well as what interventions are and are not likely to be effective. With those questions adequately addressed, the team is ready to make the eligibility determination.

Next, the team must answer the following questions laid out in Federal Laws and Rules:

 What interventions or instructional strategies were implemented in order to impact access and academic progress within the general education curriculum? SLD criteria A, B and D, 34 CFR 300.8(a)(2), 34 CFR 300.304 through 300.306, Minnesota Rule 3525.2900, subp. 4(A).

- Are exclusionary factors the primary cause of inadequate achievement and academic progress? SLD criteria A, 34 CFR 300.306C(1), 34 CFR 300.304(b)(1), 34 CFR 300.304 (c)(1)(ii).
- Is the child a child with a disability? If the child has a disability and requires specially designed instruction, supplementary services, and related services to access the general education curriculum, then the child meets criteria for SLD eligibility. SLD criteria A, B, C, D, 34 CFR 300.305(a)(2), 34 CFR 300.304(b)(1), Minnesota Rule 3525.2710, subp. 6.

Data Used in the Eligibility Determination

- All eligibility and instructional decisions should be data based.
- Assessment should produce instructionally relevant information specific to the student being evaluated.
- Assessment may not be limited to a single test or source of data.
- Evaluation should be sufficiently comprehensive to allow the team to accurately
 determine eligibility as well as develop an educational program that will address all
 the identified needs regardless of whether they are directly attributable to the
 disability.
- Existing data may be used to make eligibility decisions and establish on-going needs.
- Administered assessment are valid and reliable for their intended purpose.
- Parent input must be included.
- Interpretation of data should not go beyond what the tools are designed to support.
- A student's strengths and successful instructional practices should be identified, as well as weaknesses and needs.

Specific Learning Disability (SLD) Eligibility Criteria

The intent of the Minnesota Rule criteria is to allow teams to accurately identify students with learning disabilities while at the same time not misidentifying students who do not have disabilities.

To assist teams in ensuring they have considered all the relevant data for making the eligibility determination the worksheet that follows will provide teams an opportunity to make sure they have met all the state and federal regulatory and statutory requirements.

The worksheet has been organized to follow the criteria. Users will note that requirements for documentation have been clustered with the specific criteria the data are designed to support. For example, observation data linking behavior and achievement have been inserted under Documentation of Inadequate Achievement.

Users will also note that the sources of data that must be included are separated from sources of data that are optional. Users should specify or code the required data to be sure all sources have been included in the eligibility determination process. Additional space has been provided for teams that wish to add findings or supporting evidence.

Specific Learning Disability (SLD) Eligibility Criteria Worksheet

For each section check the appropriate boxes where evidence exists to meet the legal requirements. Additional space has been provided for teams that wish to add findings from the data or supporting evidence.

Section 1:	Criteria	Used to	Determine	Eligibility
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Section 1: Criteria Used to Determine Eligibility
Check which eligibility criteria were used to establish whether a child meets the criteria:
□ ABC (Inadequate achievement, disorder in basic psychological processes, discrepancy between intellectual ability and achievement).
OR
□ ABD (Inadequate achievement, disorder in basic psychological processes, data from a system of scientific research-based intervention (SRBI). Note: A system of SRBI must be documented within the TSES plan and fully implemented before teams may use criteria D, see FAQ).
Required Documentation Provided to Parents
Check the box when there is evidence that required documentation was provided to parents. The section of Minnesota Rule requiring the documentation follows each option.
☐ Right to request an evaluation at any time (Minn. R. 3525.1341 Subp 2).
□ Data based documentation of repeated assessments of achievements at reasonable intervals, reflecting formal assessment of progress during child's instruction. (Minn. R. 3525.1341 Subp 3.C.(2)(b)).
AND If the child participated in a System of SRBI and the team is using the data to meet criteria D, additional documentation must include (Minn. R. 3525.1341 Subp 3.F):
☐ Instructional strategies used.
☐ Child centered data collected.
 Notification of state's policies regarding amount and nature of performance data collected.
☐ General education services that would be provided.
☐ Strategies for increasing rate of learning.

Section 2: Inadequate Achievement

Minn. R. 3525.1341 Subp 2A

Documented in the report and eligibility determination is evidence that the child demonstrates inadequate achievement in response to appropriate classroom instruction in one or more of the following areas representative of the curriculum or useful for developing instructional goals.

Note	e: Check the appropriate box if evidence has been included.
	Parent input.
AND	
	Documentation of inadequate achievement includes data that demonstrate that prior to or as part of, the referral process, the child was provided appropriate instruction in regular education delivered by qualified personnel (Minn. R. 3525.1341Subp 3.C.(2)(a)).
ΑN	ND
	Documentation includes evidence of inadequate progress to make age or state-approved grade-level standards in one or more of the areas specified in rule when using a process based on the child's response to scientific, research-based intervention (Minn. R. 3525.1341 Subp 2.A.(1)).
Ol	₹
	Documentation includes a pattern of strengths and weakness in performance and/or achievement, relative to age, state-approved grade-level standards, or intellectual development that is determined by the evaluation team to be relevant to the identification of SLD (Minn. R. 3525.1341Subp 2.A.(2)).
Note	e: Check the sources of data used.
	umentation must be representative of the child's curriculum and useful for eloping instructional goals and objectives. Sources may include:
	Repeated measures of achievement.
	Cumulative record review.
	Class work samples.
	Teacher records.
	State or district assessments.
	Formal and informal tests.
	Curriculum-based Evaluation results.
	Results from targeted support programs.
	table below provides space to collect the findings and integrate multiple sources of ence in each of the eight areas of achievement (Minn. R. 3525.1341 Subp 2.A).

Areas of Achievement Matrix

Areas of Achievement	Guiding Questions to Identify Patterns in Achievement Data			
	Can the student meet the instructional demands that apply to all students? List academic/behavioral task requirements the student can meet.	In what areas is the student's achievement inadequate to meet: State-approved grade-level standards District or state norms Intellectual development	Instructional interventions or adaptations provided List instructional supplemental efforts, aligned with grade-level standards, implemented to accelerate the student's rate of learning and level of performance	List what has worked to increase rate of learning, performance, motivation, etc. (consider ICEL matrix)?
Listening Comprehension				
Oral Expression				
Written Expression				
Basic Reading Skills				
Reading Fluency				
Reading Comprehension				
Mathematical Calculation				
Mathematical Problem Solving				

Documentation of Exclusionary Factors

Minn. R. 3525.1341 Subp 2A

Documented in the report and eligibility determination is evidence that the child's underachievement is not primarily the result of:

Exclusionary Factor	Source and Evidence for Future Reference
Visual, hearing or motor impairment	
Developmental cognitive disabilities	
Emotional or behavior disorders	
Environmental, cultural or economic influences	
Limited English proficiency	
A lack of appropriate instruction in reading and math	

Note: Teams may use the space provided to document any contributing factors that limit achievement and performance that are to be differentiated for or included in the design of specialized instruction.

Documentation of Observation Linking Area Of Inadequate Achievement With Relevant Behavior (Minn. R. 3525.1341 Subp.3A).

Check the box illustrating which option was exercised and that the documentation meets the criteria.

	Use information from an observation and monitoring of child's performance before the child was referred for evaluation (Subp.3A (1)).		
OR			
		ct an observation in the regular classroom after the child has been d for evaluation (Subp.3A (2)).	
AND			
	□ Document relevant behavior(s) noted during the observation (Subp.3A (3)).		

Section 3: Disorder in Basic Psychological Processes

Minn. R. 3525.1341 Subp 2B

Documented in the report and eligibility determination is evidence that the child demonstrates a disorder in basic psychological processes in one or more domains of information processing manifested in a variety of settings.

Check the sources of data that corroborate determination of disorder across multiple settings (classroom(s), home, extra-curricular activities, non-instructional settings) (Subp. 3.C (1). (Subp. 2.B):

Documentation sources must include:			onal evidence may come
	Aptitude tests		Student input-S
	Achievement tests,		Classroom observations or checklists–OB
	Parent input—(P-CI)		
	Teacher recommendations, (TI)		Behaviors observed during assessment
	Data used for exclusionary factors		Screening data
			Relevant medical data
			Input from other school personnel
			Independent evaluations
			Other
	nart that follows provides space for teams tes of evidence. To increase clarity, a coding		
 Evidence should be entered in the appropriate column: a normative strength, weakness, or within normal limits. 			
A student's personal profile may be entered in the normative strength and normative weakness column and coded according to the following:			
	 RS (relative strengths) are relative 	to the	student's profile
	 RW (relative weaknesses) are relative to the student's profile 		
	If using CHC theory-driven assessment each cognitive/academic domain, narrow ability and processing notation may be recorded where known or suspected (e.g as reported by a teacher).		
	☐ Teacher Information may be coded as (TI) and Parent/Caregiver Information may be coded as (P-CI).		

Documentation of Basic Psychological Processes Chart

		Below Average Weakness	Within Average Limits	Average and Above Strength
		SS<85 and additional data	SS 85-115 and additional data	SS>115 and additional data
tions	Attention			
Input functions	Short-term memory			
ndul	Speed of processing			
	Executive functions			
Integrated functions	Working memory: successive or simultaneous processing			
gratec	Visual—orthographic			
Integ	Auditory processing			
	Long-term retrieval- associative memory			
Output function	Phonological processing: phonological awareness, phonological memory, rapid naming			
	Morphographic processing			
nO	Oral-motor production processing			
	Motor coordination			

Thanks to Jennifer Mascolo and Dawn Flanagan for the use of their matrix and suggested coding.

Section 4: (Optional) Severe Discrepancy

Minn. R. 3525.1341 Subp 2C

The child demonstrates a severe discrepancy between general intellectual ability and achievement in the areas in the table below.

The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider these standardized test results as only one component of the eligibility criteria. For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the child's chronological age level.

Check the area of discrepancy and other criteria.

Areas of Discrepancy	Other Criteria	
 □ Oral expression □ Listening comprehension □ Written expression □ Basic reading skills □ Reading comprehension □ Reading fluency □ Mathematics calculation □ Mathematical problem solving 	 Corroborated with data from other sources indicating discrepancy between expected and documented performance. Nondiscriminatory practices are applied when standardized tests of aptitude and/or achievement are not appropriate (34 CFR 300.304). 	

Section 5: (Optional) Data from a system of SRBI Minn. R. 3525.1341 Subp 2.D

Documented in the report and eligibility determination is evidence that the child demonstrates an inadequate rate of progress, measured over time using intensive SRBI.

Ch	neck	the boxes when there is documentation sufficient to meet criteria.
	Αr	minimum of 12 data points over a minimum of 7 school weeks.
Th	e ra	te of progress is inadequate when a child's:
		Rate of improvement is minimal and continued intervention will not result in reaching age or state-approved grade-level standards.
	A١	ID
		Progress will likely not be maintained when instructional supports are removed.
	A١	ID
		Performance in repeated assessments falls below the child's age or state- approved grade-level standards.
	A١	ID
		Achievement is at or below the 5th percentile on one or more valid and reliable achievement tests using either state or national comparisons. Loca comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from eithe state or national data, the group must provide a rationale to explain the difference.
		: Additional Requirements for Documentation 525.1341 Subp 3 and 4
The el	igibi	lity report and determination contains documented evidence, such as:
	Sta	atement of whether the child has a Specific Learning Disability (Subp 3B).
	Inc	lication that the child is in need of special education services (Subp 3E).
	Ed	ucationally relevant medical findings, if any (Subp 3D).
	tea	aluation report signed by all members verifying their agreement with the am's conclusion. If a member disagrees with the team's decision, they must bmit a separate statement of their conclusions (Subp 4).

Potential Results of the Evaluation Process

After the team, including the parents, has considered all the data, the evaluation process may end with one of three possible results.

- The student does not have a disability but needs continuing attention and intervention supports.
- The student has a disability that impairs one or more major life functions and meets criteria for Section 504 of the Rehabilitation Act and the Americans with Disabilities Amendments Act of 2008. The next step is to determine if a 504 plan is needed and document the needs and accommodations in a 504 plan.
- The student has a disability and requires special education services. The next step is the design of an Individual Education Program.

The figure below illustrates these results and the follow up actions required by the 504 plan.

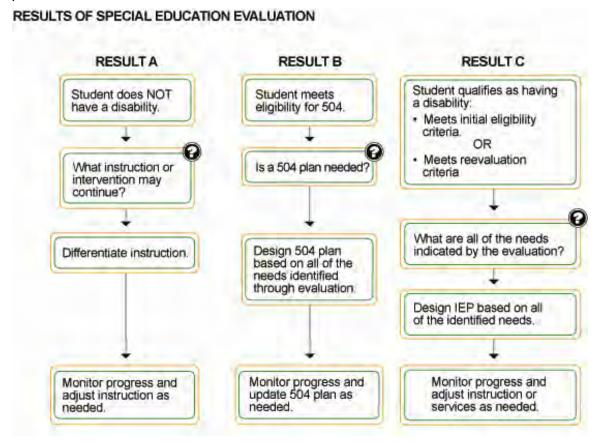


Figure 10-1: Results of Special Education Evaluation.

Although the three options are clear, making the decision is a complex process. To help teams, including the parents, negotiate the progressively more intensive problem-solving process, quality practice questions are embedded throughout the SLD manual. Teams are encouraged to continuously focus on altering instruction, curriculum and environment to improve achievement.

Consider the following illustrative examples of decision results.



Illustrative Example - Jack - Result A

Jack is in the low average to below-average achievement range with no evidence of a disorder in basic psychological processes. He displays intellectual abilities in the low average range. He is likely to require continued intervention to achieve at an accelerated rate and may continue to lag behind grade-level expectations because of the rigorous demands of the curriculum.

Strengths: With intervention, Jack has low-average reading abilities in decoding. Writing skills are in the low average range as well as math fact and computation skills.

Data from standardized assessments and observations indicate that cognitive processing and global ability scores are in the low-average range.

Weaknesses: Comprehension and vocabulary are significantly below grade-level expectations. Current interventions are not sufficient to improve achievement to within grade-level expectations.

Eligibility determination: Given all the data, the student does not qualify as SLD; however, continued intervention will be necessary for him to improve achievement and access the general education curriculum. The team, including the parents, suggests continuing differentiation within core instruction as well as supplemental interventions with regular monitoring for improvement. Jack continues to be served in a small group. The classroom teacher has received support and coaching to differentiate instruction to meet Jack's ongoing needs, as identified in the evaluation report.



Illustrative Example – Jill – Result C

Jill has the following profile and may be a child with nonverbal learning disorder (NVLD), not low ability.

Strengths: Basic decoding skills, recall of basic facts and computation. Jill displays normative and relative strengths in auditory processing, auditory recall, and fluid reasoning. Jill's global ability scores are in the average range.

Weaknesses: Significantly low achievement in reading comprehension, math problem solving, handwriting, and written expression. Normative and internal weaknesses in working memory, visual processing, and executive functions (planning and selfmonitoring). Jill has difficulty integrating information, which impairs academic and social functioning.

Eligibility determination: The team, including the parents, determines Jill to meet criteria and have an SLD. They design an IEP that extends beyond what was provided during interventions to address academic and social functioning in all areas of weakness.

Guidance on Result A: Students Who Don't Qualify for SLD

SLD evaluation is primarily concerned with determining the existence of underachievement in one of eight areas with consistency in normative weakness in empirically identified basic psychological processes. Low IQ scores and/or pattern of basic psychological processes in the low-average range may be more suggestive of low ability or mild developmental cognitive delay. These are conditions that preclude determination of SLD under federal law and Minnesota rule. The team, including the parents, making the eligibility decision must determine through professional judgment if the whole picture of data indicates that the student has a disability and requires special education services. Not all children presenting with flat profiles in achievement show a corresponding profile in cognitive abilities.

To further illustrate issues where a team judgment must be used in data collection, analysis, interpretation and decision-making apply, below are common pitfalls that may detract from valid decision-making, grouped into student, parent/family, team process, eligibility problems, and criteria for SLD.

Teams should be familiar with these pitfalls and establish procedures to avoid making similar errors in the eligibility determination process.

Teams need to use caution when making decisions based on the indicators listed under each result example below. Assessment data, not emotion-based decisions, must support the overall team decision.

Examples of Common Pitfalls in Making Valid Decision

Result A

The student does not have a disability, but struggles to make progress towards gradelevel standards. Common pitfalls that may lead to misdiagnosis of the student being SLD even though the data does not support the decision:

- Student needs extra help to catch up academically.
- Student has not had access to formal, systematic, and explicit instruction in the area of inadequate achievement.
- Student is unmotivated to perform in the regular classroom.
- Student is culturally and linguistically diverse and requires differentiated curriculum and instruction to accelerate progress towards grade-level standards.
- Student is highly mobile, experiencing school difficulties and few alternative services are available.
- Student is transitioning to elementary, middle/intermediate, or high school and the perception is that he/she will fail without special education supports.
- Student performs poorly on state comprehensive assessment, so is eligible for SLD.
- Student is two grade-levels below grade expectancy and needs to be found eligible for SLD to receive remedial services.
- Parent(s) for many reasons (language, work schedules, English Proficiency, literacy, academic proficiency) cannot support academic achievement.
- Parents and schools have differing views of appropriate parental involvement.
- The team has data from repeated measures collected during interventions that
 indicate student needs continued intervention despite evidence that achievement is
 within levels expected for the student's ability or there is a lack of evidence of
 disorder in basic psychological processes.
- The "expert" team member is certain the student needs help that is not currently available in the general education setting, so the student is determined SLD.
- Achievement profiles that exceed expectations for student grade and/or ability level are unlikely to present with evidence to qualify as SLD, yet they struggle. Teams should provide recommendations to improve achievement or intervention when need is demonstrated.

Result B

The student has a disability, possibly diagnosed by an outside agency, which demonstrates adverse impact on his/her ability to succeed in reaching grade-level standards without additional supports. Confusion may be caused by any of the scenarios below. Parents may have sought an outside evaluation either prior to or in conjunction with the school evaluation.

- Parent(s) have diagnosed dyslexia and student is showing similar symptoms.
- Parent(s) have had the student assessed privately and the summary report identifies a learning disorder, dyslexia, dyscalculia, dysgraphia, etc.
- Family physician says the student has SLD.
- The school conducts the assessment and evaluation, finds the child eligible; however, the parent denies special education services in favor of 504 plan.

Result C

- Student likely has a disability but the team refuses to make the determination because the student comes from a culturally and linguistically diverse background and the team lacks the experience and/or tools to distinguish diversity from disability.
- Student has a disability but does not qualify because of a single score.
- Student has a disability but not an SLD because a member of the team pushed for an SLD label over other disability category.
- The disability interferes with academic achievement in one of the 8 areas and the team requires that the student meet initial criteria in each area to receive special education services.
- Student does not need specially designed instruction in order to make progress within the general curriculum, but has been inappropriately identified.

Multi-Disciplinary Team Process



This section discusses team membership, time to meet for integration of data, and integrity of team process.

- Teams making the eligibility determination, including the parents, collect and
 integrate comprehensive assessment data. Those responsible for gathering
 achievement and performance data meet collectively to interpret results and make
 educational recommendations based on shared understanding of the student's
 needs The benefits of taking this step are:
 - Identification of all the needs related to the disability as well as needs that must be addressed in order to help the student gain control over his/her education.
 - Shared understanding among all team members of the needs and the functional implications of the disability.

- Shared understanding of how services, accommodations and/or modifications will be designed to maximize student achievement and make progress towards grade-level standards and instruction accessible.
- Increased compliance with federal regulations and state rules for documentation of evaluation results and Individualized Education Programs (IEPs).
- o Shared belief that the student's abilities and challenges will be addressed
- Faithful implementation of special education services.

The table below delineates challenges teams may face and solutions to help teams avoid making inappropriate identifications. This is a suggestive list only.

Table 10-7

Issues, Challenges and Solutions

Challenge	Solution
Issue 1: Eligibility Decision-Making	
A. Decision made without full team membership present, including parents B. Parents were not allowed to make an	A. Case manager ensures all team members are present for the decision making process or reschedules the meeting.
informed decision about placement into special education	B. Parents receive sufficient data and time to make an informed decision. Parents provided with Evaluation Summary Report (ESR) prior to meeting; parents allowed and encouraged to ask questions; meeting reviews ESR followed by an IEP meeting to allow parents time to review and discuss results without the pressure of the group.
Issue 2: Interventions	
A. The team designs interventions based on data collected on interventions that lack integrity or were not sufficiently rigorous enough to remediate the academic weakness.	A. Well-designed interventions delivered by trained staff within the general education curriculum can provide much greater access to grade-level curriculum than pull-out services. Analysis of challenges in implementing interventions should be the next step in problem-solving. Consultation and professional development may provide a more effective solution for students that do not have a disability.
B. Intervention not implemented with fidelity — team "knows" the student has SLD and makes decision despite inappropriate intervention.	B. Implementation of research-based interventions is an ongoing process regardless of the eligibility determination. While special education supports may be necessary to maximize student
Intervention was not matched to student's academic need or the intervention process was designed in favor of ultimately referring the student for special education evaluation.	performance and make grade-level curriculum accessible, special education services are not the only answer.

Challenge	Solution
Issue 3: Decisions Based on Poor Data	
A. Teams make decisions based on data that are inadequate, incomplete, irrelevant, or from technically inadequate instruments. B. Teams use discrepancies calculated in areas unrelated to the referral concern in order to document a discrepancy.	A. As long as the team collecting evidence for a disability determination has been focused on answering the question, "What are the prerequisite skills and why is the student unable to learn normally within the context of intensive instructional supports?", the team will have data appropriate for developing an appropriate IEP and making an eligibility determination.
	B. The comprehensive evaluation should have been driven by a hypothesis, and all avenues for explaining the relationship of inadequate achievement to systemic, ecological, or environmental factors as the reason for the observed learning problems tested. If alternate hypotheses develop and are validated through the evaluation process, the team should use the appropriate eligibility criteria supported by the data (Result C for other disability area).
	If the team gathers comprehensive data and cannot identify a specific learning disability using the body of evidence from valid and reliable sources, it should include this determination in the evaluation report and recommend instructional options such as differentiated instruction, (Result A).

Table 10-8

Miscellaneous Challenges and Solutions

Challenge	Solution
The team is unduly influenced by a single member asserting his/her opinion	The basic makeup of the team is designed specifically for the purpose of providing comprehensive, quality expertise in the decision-making process. As a rule, anyone required to attend the team meeting has something of value to contribute. The meeting facilitator should have training to manage strong opinions and ensure that all voices are heard. A single team member may not make the decision regarding eligibility for SLD. A team meeting is not merely an automatic act with a predetermined conclusion.

Challenge	Solution
Eligibility is contingent on the availability of services e.g. High case-loads or lack of funding limits the number of students who can be served.	Establish a decision sequence that all team members follow to guard against being influenced by availability of services or by need to increase the student numbers to justify a teaching position. The services and placement determination are the last activities in the development of an IEP.
Eligibility dictates services (e.g., students must meet initial eligibility criteria in each area of academic achievement to receive services, instructional supports are only available for students on IEPs)	Special education and related services decisions are driven by the documented needs in the evaluation report, present levels of educational performance, and need for special education and related services to make continued progress towards reaching grade-level standards. Minnesota Rule does not require a student to meet the data threshold in each area in which services are to be provided.
	A determination that a child does not have an SLD will not absolve the team from designing a program to enable the child to make progress towards proficiency in state standards. Continue to problem solve how to differentiate or provide interventions for students not able to make progress in the general curriculum regardless of their eligibility.
Eligibility is contingent on a single team member being able to work with a student	Consultation and collaboration may provide a more efficient solution as well as increase the ability of all staff to meet the needs of all learners.
The team has made the assumption that students from diverse cultures or those that are ELL are not allowed to be identified for Special Education.	When data suggest that the student differs significantly from peers of similar background with similar levels of language acquisition, base the eligibility decision on data gathered from a variety of credible sources on skills reflecting cultural competency. The team's culturally competent judgment ensures holistic consideration of available data and best practices, and in a particular case enhances the precision, accuracy, and integrity of the eligibility decision.
	Parental or guardian input can be valuable to determine the cultural norms for a student of a culture different from the school team. Consider input from parents on how their child compares to same age and cultural peers. Consider including a cultural liaison on the team.

Making the Eligibility Decision – Special Cases

Guidance for Special Cases – Transfers

Students transferring from other districts may continue to receive services and/or interventions while teams, including the parents, determine if further evaluation is

warranted. Teams may use existing data or gather additional data to ensure the student meets Minnesota criteria for SLD.

A student that was previously qualified as having an SLD under Minnesota criteria does not necessarily need re-evaluation. A team may accept the eligibility determination even if the student qualified under criteria other than what the district uses (i.e., ABC or ABD). If the team does not have the information it needs to be certain that the child has a disability and to design an Individualized Education Program, additional data may be sought.

Guidance for Special Cases – Overrides as referenced in Minnesota Rule

In rare cases, the team, including the parents, may determine that the student has a disability and needs specially designed instruction even though the student does not meet the required data thresholds. There are three requirements for an override.

- 1. An explanation of why the usual standards and procedures resulted in invalid findings for the student should be made in the evaluation report. This standard applies to all the criteria.
- 2. An indication of the objective data used is needed to conclude that the student has a disability and is in need of specialized instruction. The data may include:
 - Test scores.
 - Previous assessments.
 - · Work products.
 - Observational data.
 - Self-reports.
 - Ecological assessments.
 - Teacher comments.
 - Other developmental data.
 - An indication of which data has the greatest relative importance for the eligibility decision.

The team members must sign the evaluation report agreeing to the override decision. A team member who disagrees must include a signed statement explaining their position. Include documentation of all three SLD eligibility components in the evaluation report.

Guidance for Special Cases – Re-evaluation

Federal law states that during a review of existing evaluation data, the IEP team must determine:

- Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child; or in the case of a reevaluation of a child.
- Whether the child continues to have such a disability, and the educational needs of the child..." 34 CFR 300.305(a)(2)(i).

Federal law does not require that children meet initial state eligibility criteria during reevaluation to remain eligible for special education and services. The regulations clearly state that the IEP team must determine whether a child has a disability as defined by section 300.8 and that during reevaluation whether the child continues to have such a disability. The Minnesota Department of Education has long held the position that as long as a child continues to meet the federal definition of "child with a disability," which is a more permissive standard than state initial criteria, and the child continues to have a need for special education and related services, that child continues to be eligible for special education.

That a student has a disability is the most stable operative fact in determining whether they qualify for special education. It is likely that a student who has received effective specially designed instruction will have a narrower discrepancy than found in the initial evaluation. A discrepancy that is narrower than initial eligibility requirements is not the same as saying a student does not have a disability. If services are effective, a student with a disability may make progress with special education services and supports. If a student makes significant progress, such that the team suspects that initial evaluation results were not valid and/or the student does not have a disability, the re-evaluation should seek to determine the validity of the existing data identifying a disability. Given circumstances where a student without a disability is being served in special education, the team should consider exiting the student.

As previously discussed, in documenting that a child continues to have a disability the team should determine if the existing data continues to be an accurate portrayal of the student and the disability. If existing data continues to be an accurate portrayal, the team should make a statement as such. For example, given the relative stability of IQ scores over time the team may use record review to establish validity of the IQ score. The team would not have to complete a new IQ test as long as the team documents that they feel the score continues to be valid and reliable. They would make a statement in the reevaluation summary report reflecting that they feel the existing IQ score continues to be valid.

What is more likely is that a student with significant weaknesses in a cognitive process will experience challenges at different points in the curriculum. The team may wish to review the subtest scores (or re-evaluate if data is not available) of targeted cognitive abilities to identify how those cognitive abilities are impacting the student in making progress in the general curriculum (see chapter 9 for example of the impact of working memory on acquisition of math skills).

When re-evaluating whether the student continues to require special education services, the team should consider the existing data as well as any new data that reflects the student's changing needs and progress. In general, considerations might include:

- Demonstrate the ability to function independently.
- Meet their IEP goals and objectives.
- Access and perform adequately in the general curriculum.

The student should have a plan to monitor progress during the year after exiting services to ensure that the student continues to make progress in the general education curriculum without special education supports.

Where the student demonstrates that they need special education services within 1 year of exiting special education, then they can re-enter special education through a team process. A school district *may* be required to conduct an evaluation if a student who was previously but no longer receiving services begins to demonstrate a need for services. Children who have been discontinued from all special education services may have services reinstated within 12 months of the discontinuation. The school district is not required to conduct pre-referral interventions or a new evaluation if data on the child's

Present Level of Academic Achievement and Functional Performance (PLAAFP) is available and if an evaluation was conducted within the last three years. See Minn. R. 3525.3100 or the question and answer document provided by Compliance and Assistance addressing Evaluations: Dismissal and Reinstatement of Services.

Transfers

Students transferring from other districts may continue to receive services and/or interventions while teams determine if further evaluation is warranted. Teams may use existing data or gather additional data to ensure the student meets Minnesota criteria for SLD.

A student who has previously qualified as SLD under Minnesota criteria does not necessarily need to be re-evaluated. A team may accept the eligibility determination even if the student qualified under the criteria other than what the district uses (ABC or ABD). If the team does not have the information it needs to design an Individualized Education Program, additional data may be sought.

Involving Parents in the Eligibility Decision-Making Process

Prior to the Meeting, teams should seek and encourage parent input to the decision making process by sending a draft of the evaluation report. Parents may appreciate having time to read and understand it prior to the meeting. Additionally teams may provide parents with questions to reflect on prior to the eligibility decision making meeting, such as those pertaining to historical points the parents can contribute to the description of the student, questions or concerns regarding their student's education, and how the behavior (both academic and behavioral) described by the school compares to what the parent sees on a daily basis at home?) See Appendix for sample parent questions.

During the meeting, the school psychologist should explain the evaluation of intellectual ability to the parents carefully using appropriate terminology and ensure that parents understand it. It is the responsibility of the school team to provide the parents with definitions of these terms.

Parents should be included in the determination of eligibility.

Listen and acknowledge parents' concerns and fears (this may be in a pre-meeting with a representative that has the most rapport with the parent).

Parents should be included in the determination of eligibility. Even though teams may wish to make the determination prior to the meeting for efficiency's sake, eligibility determination is a team process and the parent is a mandated member of the team. Pre-meetings can be held with the parent to review data or concepts that may take time to process for a layperson.

Below are two illustrative examples of parent involvement.



Illustrative Example - Mr. Smith

Mr. Smith has been involved in the assessment process throughout. He has an understanding of the special education process or has connected with an advocate to help him through the process. Mr. Smith would benefit from or has requested a prereview of the evaluation report prior to the meeting. The case manager should provide him with a copy of the evaluation report within a reasonable period prior to the meeting.



Illustrative Example - Mrs. Jones

Mrs. Jones has been involved throughout the process, but the school team has concerns that she may misunderstand or misinterpret the data being gathered. Keeping in mind that the data that will be shared at the evaluation summary meeting is of a technical nature (even though schools should make attempts to put it in parent-friendly language), schools must make allowances for parents to have time to digest the information in order to allow them ample time to make an informed decision. The school team feels Mrs. Jones would have an increased understanding of the results from the discussion at the team meeting had she had time to digest the report. Even though the school team has made attempts to provide Mrs. Jones with information so that an informed decision can be made, her level of understanding is suspect. The school staff may suggest that she contact an advocate to help her during the evaluation summary meeting.

Table 10-6

Potential Problems Working with Parents and Solutions

Problem Solution Issue 1: Pre-referral Intervention Parents not aware/informed their child Pre-referral Intervention. is struggling in school. • Open communication between home Parents not informed their child is and school. receiving interventions. Parents are informed as soon as Parents not provided on-going concern is noted. progress monitoring data. SRBI process is in school handbook • School does not acknowledge and/or specially designed parental concerns about student communications to ensure that parents understand the intervention process. progress. Parent verbally requests evaluation School provides progress monitoring results in visual form with normative for special education and the school tells parent interventions need to be peer performance or grade-level attempted prior to evaluation. benchmarks for comparison. Custodial parent not involved in the Parent puts concerns into dated written school setting. Non-custodial parent format, mails to principal and teacher making decisions without other with requests for follow-up response parent's knowledge. from school district staff. Put request in writing, send to principal with a cc to the director of special education and request follow-up communication. School communicates in writing reasonable, rational data, prioritized by weight and considered in decision. School makes good faith effort to communicate and include parent in

decision making.

Problem Solution

Issue 2: Proceeding from referral (either school or parent initiated) to planning for evaluation

- Following the parent request for an evaluation, the team proceeds to gathering parent consent for an evaluation without holding the team meeting.
- Long delay between referral request and action on that referral.
- Assessment plan developed without parental input.
- Assessment plan does not include comprehensive data collection procedures.

- Proceeding from referral (either school or parent initiated) to planning for evaluation.
- Even with parent request for the evaluation the team is still obligated to discuss the evaluation. Quality practices indicate that meeting as a team, allowing the parent a chance to share and discuss concerns with the school, ensures a more comprehensive evaluation plan.
- Acknowledgment of receipt of the parent request must be made within 10 days. Keep parents informed as to why delay may be occurring. Proceed to assessment in a timely manner.
 Parents should feel comfortable with following up on request.
- Rule requires parental participation in the evaluation planning process.
 Schools need to make efforts to hold the meeting when parents can participate.
- Parents can seek guidance from advocacy groups. Teams should talk through the evaluation decisions relaying the concerns and how the assessment will address those concerns.

Onapler to Deciding Enginity				
Problem	Solution			
Issue 3: Outside Evaluation Data				
Parents provide school with outside evaluation data and the school does not fulfill their obligation to consider the data. (The team gives the report a cursory look and then discards the	Parents should expect the school will summarize the outside evaluation data (showing that it has been read and considered). The team is chligged to weigh both.			
data without rational consideration.)	The team is obligated to weigh both pieces of data, determine which is			
Outside evaluation data conflicts with school gathered data.	more valid and reliable and provide a rationale of why they made that determination.			
Parents feel pressured into seeking outside evaluation for conditions such as Dyslexia.	 Parents are not required to seek an outside evaluation for conditions such 			
Parents do not have the	as Dyslexia.			
monetary/insurance resources to take child in for school requested outside evaluations.	If the team feels an outside evaluation is necessary and parents do not have the resources to pay for it, the school must now for the autoide evaluation.			
Parents have diagnosis of conditions such as SLD from medical doctor and want school to proceed to special education placement.	must pay for the outside evaluation.Medical community diagnoses do not			
	necessarily match state eligibility criteria, thus the school must complete the comprehensive evaluation to determine special education eligibility (see Dyslexia Information paper).			

Problem Solution

Issue 4: School Evaluation Data

- Parents not allowed to give input into evaluation data.
- Materials not in the parents' native language.
- All communication done with parents is via notes, not phone contact or face-to-face meeting.
- School is making efforts to include parent in the evaluation process and parent does not respond to the requests.
- Data reported to parents in technical manner.
- Parents not informed when testing was going to occur and feel they could have prepared the student better for testing had they been informed.
- Parents do not have the resources to get to the school for meetings with teachers regarding the evaluation.
- Transition data, goals, and plans are not gathered from students of transition age.
- Degree of parental support is not considered when determining underachievement.

- Rule requires that parents are part of the team and must have input into the evaluation.
- Materials must be provided in a language that is readable to the parent or a verbal interpretation must be provided.
- Best practice is that a relationship has been developed with the parent via face-to-face communication. This will increase parent comfort level and will make stressful decisions a little easier.
- The school needs to make efforts to determine why the parent is reticent to respond. Parent may have a school phobia.
- Attempts should be made to report evaluation data in parent-friendly language. Parents should be comfortable and encouraged to request clarification.
- Parents should check with the school to keep the line of communication open.
- School should provide transportation for parents if this could further facilitate parental involvement. Schools should make attempts to schedule meetings that parents would be able to attend.
- Students aged 14 and older should be included in the data-gathering process.
 Parents should be aware that a transition age student should be involved in the process.
- Data should be collected about parent involvement at home. Parents should honestly reflect the amount of involvement they have in assisting their child with homework as well as the number of minutes children spend independently on their homework.

Solution Problem Issue 5: Eligibility determination Decision made prior to the parent Outside evaluation data must be being involved in the process. considered (if available). Parental input must be included. (See related Only the school data are considered. outside evaluation data question above). Parents don't feel they have a voice in eligibility determination. If parents feel they do not have a voice, they should enlist the help of an No consideration of categories other advocate. Parents need to understand than SLD. they have the right to request an Parents feel pressured to go along independent educational evaluation, at with school's decision. the school district's expense, if they don't agree with the school's Parents are not provided with determination. Parents need to evaluation data in a way they can advocate for their right to be heard in understand. the meeting and consult the parent's Only interpretation of the data is rights document that should have been reported; no actual data are provided provided by the school. Parents are to parents. the only consistent voice across grade levels and schools. Therefore, their input is critical. • State rule says evaluations are not conducted for a specific eligibility category. Teams are determining if the child meets any eligibility category. Parents should be given ample time to make an informed decision and if both parents were not at the meeting, both should to be part of the decision making process. Parents should understand the parent's rights document that should have been provided by the school. Teams must ensure evaluations are written and explained in parent friendly language. Parents should be encouraged to ask questions and ask for clarification.

Problem	Solution			
Issue 6: Determination of student needs				
 Needs based on school programs not actual student based needs. Parents not involved in determination of needs. 	IEPs are based on individual student needs and not school programs that may or may not be available. Services need to be provided in the least restrictive environment.			
 Prioritizing needs done solely by school not including parental and student input. 	Parents need to advocate for their own rights.			
 Needs determined for short term only, long range needs not considered or planned for. 	If there is an abundance of needs and the team determines that they cannot address all of them, the parent and student should give input as to which			
 Future needs are not based on realistic goals. Exclusion of parental concerns and 	needs are of the highest priority. This would be an ideal opportunity for a transition-aged student to practice			
input that was provided through the	self-advocacy skills.			
parent guardian questionnaire.	 The ESR should spell out needs for at least three years and, therefore, long- range goals need to be thought of. 			
	 Teams should keep high expectations for the student, but also help guide the student and parents towards realistic goals based on strengths and future plans. 			
	Rule states that the determination cannot be made from a single score. The team must consider all of the data gained through the evaluation process including parent interviews and questionnaires.			
Issue 7: IEP Development				
IEP is planned and in a written format prior to IEP meeting.	The parent must be provided input in the development of the IEP. While schools have considered and may			
IEP not in parents' native language.	have rejected some options they			
 Placement is determined before services are determined. 	should not be presented to the parents as a plan.			
 Informed consent is not possible as school expects parents to sign permission for the IEP at the meeting. 	 Parents should be allowed ample time to make an informed decision and thus should not be pressured to sign a proposed IEP if there is hesitation during the meeting. 			

Explaining eligibility to parents and students

- Clarify the purpose of the meeting.
- Provide an overview of what will be discussed.
- Review referral concerns and the hypotheses that were generated to account for the concerns.
- Explain areas of academic strength and corresponding information processing assets/strengths.
- Explain areas of underachievement and corresponding normative weaknesses in basic psychological processes.
- Use graphs to present results (with confidence intervals).
- Discuss the implications of normative weakness and strengths.
- Integrate additional relevant data and team findings.
- · Confirm or disconfirm hypotheses and eligibility.
- Summarize the findings.
- Explain findings and implications on instructional planning.

Note: See Chapter 9, the External Evaluation section to learn more about independent evaluation and the rights of parents to make this request.

After the Eligibility Determination

Once the eligibility determination is made, the team has the obligation of translating the data from the evaluation report into an Individualized Educational Program. The guiding questions that have been supplied at the end of each chapter should provide a guide for integrating data.

Teams should use the information gained from the guiding questions and quality practices to address both the questions of eligibility as well as to satisfy the needs of the team in designing instruction. Without intentional planning, data gathered during the intervention/pre-referral stage may be left out and leave teachers to reinvent special education services. The Individual Education Program should build on what was working within core instruction and intervention.

Note: It is extremely important for teams to use the information gained throughout the process to inform the design of specially designed instruction. Specially designed instruction should build on the information gained during interventions prior to the comprehensive evaluation. Independent observers should be able to see that the IEP and special education services are more intensive, frequent, or of longer duration than what was provided prior to the eligibility determination. Accommodations and modifications should make use of principles of Universal Design as well as effective use of Assistive Technology. It should be clear that the student has access to gradelevel content regardless of where the specially designed instruction takes place.

The following represents the evidence-based practices for designing special education services that will likely accelerate a student's acquisition of achievement and social competence.

- Increase the quantity of instruction a student receives. Supplanting core instruction with less direct, systematic, and explicit instruction is not supportable.
- Design instruction to be systematic, explicit, and promote ongoing opportunities to review previously mastered content. Instruction should be provided through the generalization stage.
- Use consistent language across classroom environments and content area teachers to promote deeper understanding, exposure, and opportunities for over learning.
- Integrate self-regulation strategies, goal setting, monitoring of progress, self-evaluation, etc. to promote ownership and nurture independent learning.
- Incorporate higher-order thinking skills and nurture meta-cognition along with skills instruction. Research indicates that students benefit when both are taught simultaneously.
- Explicitly design instruction to build vocabulary and conceptual knowledge on grade-level to afford the individual access to grade-level content regardless of literacy skills. Language instruction, where appropriate, should be integrated into skills instruction to provide context and multiple exposures. Accommodations for lack of grade-level literacy are not sufficient to overcome the gap in vocabulary and conceptual knowledge.
- Progress monitoring should continue and instruction should be adjusted accordingly to continue the acceleration of skill acquisition.
- Use data collected during transition evaluation, to help students see link between instruction and achievement in middle school/high school and his/her postsecondary goals.

Transition Issues for Students Less than Age 14

The framework was designed to help teams think through issues related to access to the general education classroom as well as areas of transition. Teams should apply the questions that are developmentally appropriate for the student being evaluated. Minnesota Rule requires that transition assessments must be completed by the time a Special Education student reaches age 14.

Appendix

Questions for Parent(s) Prior to Eligibility Determination

Send these questions to parent(s) to consider before the eligibility determination meeting:

- 1. What does your child prefer to do at home? How does your child interact with parents, siblings?
- 2. Does he/she have friends?
 - a. How does your child get along with his friends? (Leader? Follower?)
- 3. Is your child involved in activities after school? (This can be school or non-school related) If so what are they? Does your child look forward to these activities or is it a struggle to get your child to attend these activities? How does your child act after the activity?
- 4. Tell us about what your child does well. (This can be academic, social, sport, or any area.)
- 5. How do you teach your child new tasks and skills? Do you and your child work well together?
- 6. What does your child tell you about school? Has what your child told you about how they feel about school changed?
- 7. Do you see the same types of concerns at home that the school sees in the area that was listed as a concern? How are the concerns similar and/or different? When did you begin to see these types of concerns? Has the school brought up these concerns prior to this?
- 8. What do you think the school could do to help your child?

- 9. How much time does your child spend doing homework at home?
 - a. What is the amount of homework your child brings home? Do you think this is too much?
 - b. How much assistance does your child require to complete the homework? Who is available to help? Is someone who is proficient in English available to help the child with homework? (Refer back to question regarding who is available to help child with learning.)
 - c. What is his behavior when doing homework? Is your child able to complete his/her home work? Alone? With assistance?
 - d. Where does your child do his/her homework? Does your child have a set spot or is he/she more likely to pick a variety of spots?
- 10. What are your long-term goals for your child? What are your child's long-term goals?
- 11. What are your short-term goals for your child? What are your child's short-term goals?
- 12. What area of concern would you consider to be your and your child's top priority at this time?
- 13. What is your expected outcome from the information gathered through the interventions and evaluation results?
- 14. How would you feel about your child being placed in a special education program?

Determining the Eligibility of Students with Specific Learning Disabilities

11. Ethical Standards and Practice

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Chapter Overview

This chapter covers the standards of practice that assure the integrity and validity of both assessment and intervention. Readers will note that the guidance represents as synthesis of recommendations from professional organizations representing those who work in the school setting.

The nationally recognized standards for test development, administration, and interpretation can be found in the Code of Fair Testing Practices in Education. The standards are published (2004) by the Joint Committee on Test Practices which is a collaborative effort between American Counseling Association (ACA), the American Educational Research Association (AERA), the American Psychological Association (APA), the American Speech-Language-Hearing Association (ASHA), the National Association of School Psychologists (NASP), the National Association of Test Directors (NATD), and the National Council on Measurement (NCME).

Important: It is the responsibility of school staff to be familiar with technical changes in federal regulations and Minnesota laws and rules.

Roles and Responsibilities

Districts implementing a system of scientific research-based interventions, may use a variety of staff persons to conduct screening assessments, progress monitoring assessments, or diagnostic assessments. To avoid confusing parents whose child is receiving interventions and not special education services. It is important for staff who perform multiple functions (i.e., teacher, content area or intervention specialist, Title 1 teacher, school psychologist, Counselor, School Social worker, special education teacher, Speech Language Pathologist) to know the role they are performing when speaking to the parent(s) and others. Staff should communicate their role so that process procedures are not violated, specifically for those students identified for interventions through screening who are not students suspected of having a disability.

During the intervention process, it needs to be specifically stated when assessments results will be used to prescribe or modify the instruction as opposed to diagnosing needs through a comprehensive evaluation. The assessment of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered an evaluation for eligibility for special education and related services. It is best practice to communicate with and have parent permission when giving a student an individualized assessment for modification of instruction.

Once the team suspects a disability, they must seek parental consent to evaluate as well as adhere to the timeframes subscribed in Minnesota Rule 3525.2550, subp.2. If the parents of the student refuse consent for the evaluation, the district may continue to pursue an evaluation by utilizing mediation and due process procedures. Efforts to identify effective instructional and/or behavioral interventions should continue.

The Evaluation Team

The team evaluating a student for a disability, in accordance with 34 CFR section 300.308 must include parents, administrative designee, general education teacher, SLD teacher, or other licensed special education teacher and may or may not include all of

the persons involved in the assessment process. To the extent possible persons involved in the assessment process should be included in the eligibility determination as well as instructional design process.



Quality Practices in Intervention and Assessment

While the process of intervention prior to referral is not a new concept, several pieces to the intervention process may have changed. Many terms used in the system of *scientific research-based intervention (SRBI)* have evolved or become more specified in their intended meaning. Throughout this process readers should check their assumptions about definitions of familiar terms.

First, both the intervention and assessment process need to be guided by data-driven decisions and research-informed practices. The practices that guide informed decision-making are integral to the intervention and comprehensive evaluation process include professional judgment, interviews, observations, and testing (informal and formal). Collect, analyze, and integrate information to inform each step of the intervention and comprehensive evaluation process. Make decisions from a body of evidence that is reliable and valid, not a single score or piece of data.

Second, the process of evaluating, intervening, and evaluating is continuous; that is, carried throughout the delivery of special education services.

Third, there are explicit standards for administration of assessments and assessment practices. Although not explicitly included in the stated standards guiding assessment practices, many of the guiding principles that govern administration and interpretation of assessments are appropriate to apply when delivering interventions.

The standards important for teams to pay attention to include six main areas:

Qualifications of Assessment/Intervention Users

Technical Knowledge

Assessment and Intervention Administration

Assessment Scoring

Interpreting Assessment and Intervention Results

Communicating Results

The identification of a student with a disability is a serious matter and the misuse or misinterpretation of intervention data and/or assessment results is addressed by standards developed by numerous professional organizations. The standards for assessment and intervention have been adapted from Responsibilities of Users of Standardized Tests (RUST) (3rd Edition) prepared by the Association for Assessment in Counseling (AAC).

Qualifications of Assessment/Intervention Users

Qualified assessment users and *interventionists* must demonstrate appropriate education, training, and experience in using assessments and interventions. A lack of qualifications can lead to errors and subsequent delay in instruction or special education service delivery.

In assessment situations, each professional is responsible for making judgments and cannot leave that responsibility to either students or others in authority. In *intervention* situations, the supervising teacher is ultimately responsible for making instructional judgments and must not leave that responsibility to volunteers, paraprofessionals, or students.

The individual assessment user and interventionist must obtain appropriate education and training, or arrange for professional supervision and assistance in order to provide valuable, ethical, and effective services to the students. Qualifications of assessment and intervention users depend on at least four key factors:

Purposes of Assessment and Intervention

The purposes of assessment direct how the results are used; therefore, qualifications beyond general competencies may be needed to administer, interpret, and apply assessment data. Teams should posses a deep understanding of the assessment tool as well as a high level of skill in implementing them. Additionally, interventions vary in complexity depending on the depth and breadth of skills they are targeting; therefore, staff providing the intervention must have the appropriate background and training in each intervention they are expected to deliver.

Characteristics of Assessments and Interventions

Understanding the strengths and limitations of each assessment instrument and intervention is necessary to make appropriate data-driven decisions.

Settings and Conditions

Assessments and interventions delivered in settings or conditions that are not conducive to learning influence the expected efficacy. Consider setting and conditions when making data-based decisions.

Roles of Selectors, Administrators, Scorers, and Interpreters

The education, training, and experience of assessment users and interventionists determine which assessments/interventions they are qualified to administer. While it may be appropriate to have a volunteer practice sight word vocabulary, it is not appropriate to require him/her to administer a comprehensive reading intervention without appropriate technical training.

Technical Knowledge

Responsible use of assessments and interventions requires technical knowledge obtained through training, education, and continuing professional development. Users should be familiar and competent in aspects of assessment and intervention and receive training in the administration and interpretation on the specific assessments required for the evaluation. (See Self-Analysis of Skills in the Appendix.)

The National Association of School Psychologists emphasizes that assessments must meet professional standards of technical adequacy and be reliable and valid for the purpose for which they are used. Additionally, assessments designed to measure progress towards standards must be appropriately aligned with those standards, curriculum, instruction, and opportunity to learn. School psychologists should provide consultation to districts and policymakers to assure that technical issues tied to assessment and intervention construction and selection are addressed. Critically review assessments and interventions to determine whether they are designed and developed

to be accessible and valid for the widest range of students, including students with disabilities, students that are culturally diverse and students with limited English proficiency.

Technical aspects of assessment include the following five areas:

Validity of Assessment Results

Validity is defined as the accumulation of evidence to support a specific interpretation of the assessment results. Since validity is a characteristic of assessment results, an assessment may have validities of varying degree and different purposes such as:

- How well the test items or tool measures what it is intended to measure (construct validity).
- How well the assessment is aligned to state standards and classroom instructional objectives (instructional validity).
- How well screening accurately identifies the students needing additional intervention (discriminate and predictive validity or sensitivity and specificity).

Unless the assessment is valid for the particular purpose for which it was designed, it cannot be used with confidence.

Reliability of Assessment Results

Reliability refers to the consistency of measurements. Consistency means:

- Within itself (internal reliability).
- Over time (assessment-reassessment reliability)
- Alternate form of the measure (alternate forms reliability)
- Reliable when used by another rater or observer (inter-rater or interobserver reliability). Sattler further indicates the need to use assessments with high reliabilities, usually .80 or higher, for individual assessment.

It is important to remember assessment reliability for one group may not be reliable for another subgroup or specific population.

Errors of Measurement

Various ways may be used to calculate the error associated with an assessment score. Understanding the estimate of the error size allows the assessment user to provide a more accurate interpretation of the scores and to support better-informed decisions.

Scores and Norms

Basic differences between the purposes of norm-referenced and criterion-referenced scores affect score interpretations.

□ Evaluation Tools and Strategies

Educational professionals must use a variety of evaluation tools and strategies to gather relevant functional and developmental information. This includes information provided by the parent. Evaluations should be designed to assist in determining whether the child is a student with a disability and the content of the

student's individualized education program. This must include information related to enable the student to be involved in and progress in the general curriculum or, for preschool students, to participate in appropriate activities.

Technical aspects of intervention include:

- Research supporting the intervention.
- Strengths and limitations of the intervention and populations for whom the intervention is appropriate.
- Use of materials and components of the intervention that must be adhered to in order to be effective.
- Ability to relate material to the student and account for motivational factors that impact performance.

Assessment and intervention administration includes following standard procedures to ensure the assessment or intervention is used in the manner specified by the developers.

Assessment and Intervention Administration

It is the responsibility of the staff to ensure the assessments/interventions meet the following criteria:

Validated for the specific purpose for which they are used.

Administered by trained and knowledgeable personnel.

Administered in accordance with any instructions provided by the producer or with the research verifying its effectiveness.

Parents and students must be fully involved and informed in the various aspects of intervention and assessment process prior to implementation. Issues to be included in the discussion should take into account language and cultural differences, cognitive capabilities, developmental level, and age to ensure that the students, parent, or quardian understands the explanation.

Before administration of assessments or interventions, it is important that all involved parties:

Are informed about the procedures about the purpose of the assessment/intervention, the kinds of tasks involved, the method of administration/service delivery, and the scoring and reporting/monitoring of assessment and intervention.

Received sufficient training in their responsibilities and procedures.

Arranged for appropriate modifications of materials and procedures in order to accommodate learners with special needs.

Gain experience in sufficient practice prior to administering the assessment or delivering intervention which includes practice on how to operate equipment or instructional materials and able to respond to students appropriately.

Reviewed the assessment and intervention materials and administration site or instructional environment and procedures prior to the time for assessment to ensure the environment is conducive to high performance.

Can provide and administer assessments and other evaluation materials in student's native language or other mode of communication, and in the form most likely to yield accurate information academically, developmentally, and functionally,

unless not feasible to provide or administer for more information see [34 CFR 300.304(c)(1)(ii)] [20 U.S.C. 1414(b)(3)(A)(ii)]. Materials and procedures for evaluating a student with limited English proficiency are selected and administered to ensure that they measure the extent the student has a disability and needs special education and related services, rather than measure the student's English language skills.

Are able to tailor assessments, evaluation materials, and interventions to specific areas of educational need and not merely those that are available. Proper assessment and intervention use involves determining if the characteristics of the assessment/intervention are appropriate for the intended student(s) and are of sufficient technical quality and rigor for the purpose at hand.

During administration of standardized assessments and interventions, it is important that the following criteria be met:

The environment (e.g., seating, work surfaces, lighting, room temperature, freedom from distractions, space to perform tasks comfortably) and psychological climate are conducive to the best possible performance of the students.

The assessments and interventions are delivered as designed to ensure the student response can be measured and norms can be used with confidence. The individual administering the assessments and interventions has or can establish rapport with students. Students generally perform best in an atmosphere of trust and security.

Student motivation and engagement is monitored and addressed to increase accuracy of assessment and efficacy of the intervention. Pacing and frequency of student response are important factors in student engagement.

Relevant and meaningful behaviors are noted to ensure teams making decisions have appropriate data from which to apply meaningful changes in instruction. Further information about the learning style of the student may be gleaned by observations and by going beyond the normal parameters of the standardized assessment. "Testing the limits," involves a deliberate departure from standardized assessment procedure and is a way to obtain further qualitative information. Testing of limits should be used by an experienced and trained assessor only after the assessment has been completed under standard conditions and may be used as a supplementary source of information (see Sattler, 1988).

After administration, it is important to include notes on any problems, irregularities, and accommodations in the assessment or progress monitoring records and document any observed behaviors or thinking that is meaningful to understand how the student learns.

Technical Adequacy of Measures

The following guidelines regarding technical adequacy have been proposed for selecting measures for different psychometric purposes:

Screening measures .7 reliability and discriminate and predictive validity (sometimes this can be referred to as sensitivity and specificity).

Diagnostic measures .9 reliability and construct validity.

Age of assessment when there are new versions or norms that must be adopted within one year.

Size and representation of standardization sample in relation to student being tested.

Developmentally and culturally appropriate for student being assessed.

When considering which assessment tools to use for eligibility decisions, practitioners need to ensure that the assessment tools meet the criteria for being technically adequate. This criterion includes assessments:

With normative data no more than 10 years old.

Designed specifically as/or considered an appropriate measure of an area of achievement of one of the eight areas of academic functioning specifically listed in the definition of SLD contained in Reauthorized Federal IDEA 2004 and Revised Minnesota Rule 2008.

Normed on a sample of people from the United States with adequate samples of students at the age of the student being tested. Testing culturally and linguistically different students where standardization samples are not representative of the student being tested must accommodate for degree of acculturation, English proficiency, and educational experience. Please see guidelines in Chapter 4 for additional information.

With age-based norms.

Scores used for eligibility decisions with correlations of less than .9 with the construct being measured require convergent evidence with other reliable and valid measures.

Administered within the periods indicated in the administrative manual. The testing sessions may not be broken down test by test or occur on different days (reference the manual). This procedure will also invalidate the score.

Any deviations from the standard administration of any standardized assessment invalidate the resulting score for eligibility and placement decisions. An example of a non-standard administration decision is not using a tape recorder for a test when it is required by the standard administration directions in the manual. Other examples of non-standard administration include testing in a classroom full of students, extending the allotted time for a test, using an interpreter, and completing the math calculation section with a calculator.

Suggested Training Steps for Assessors

A process for training and becoming competent in administering curriculum-based measures, screening tools, and standardized evaluation tools is necessary to ensure teams have valid and reliable data. Training and monitoring on a regular basis is essential to prevent drift in practice. Staff who conducts assessments should be selected carefully since objective practices may introduce error or influence scores.

When administering screening or curriculum-based measures, training sequence is:

- 1. Have background in theory, purpose of measure and limitations.
- 2. Receive training in administrating and scoring practices.
- 3. Ensure objectivity when administering screening measures (individual is not invested in results of data).
- 4. Verify standardized scoring procedures/ inter-rater agreement/reliability and retrain if necessary to achieve standardized practice.

Teams need to apply checks on integrity for administration and interpretation of screening and progress monitoring assessments. Administrators need to check for integrity of systems procedures to ensure that teams are following procedures and to ensure there is confidence in the data from screening and progress monitoring assessments.

Failure to verify adherence to administration procedures or inter-rater agreement may lead to:

Inflation of scores (conscious or unconscious).

Selective administration of probes to improve a student's score.

Low confidence in scores and duplication of assessment and data collection.

When administering comprehensive assessments such as Woodcock Johnson III and Key Math, the sequence of training steps is as follows:

Have the assessment administered by an experienced examiner.

Attend an in-service or training session to include a viewing of a videotaped administration.

Study the instrument, the examiner's manual, assessment directions, and the assessment protocols.

Practice giving the assessment to subjects with varying age ranges addressed by the assessment and resolve administration and scoring questions.

Administer the assessment three times under the observation of an experienced examiner and solicit feedback on performance.

Continue to practice with the materials and standardized procedures. A rule of thumb is to administer at least two assessments for an experienced examiner. For those with less experience, administer and score ten or more assessments before becoming proficient.

Administer the assessment to real subjects.

Districts may wish to institute annual reviews of administration procedures with evaluation staff to guard against drift from standardized instructions.

Purposes of Assessment in the Intervention and Eligibility Determination Process

Responsible use of assessments requires that the specific purpose for using the assessment be identified. In addition, the types of measures selected should align with the intended purpose with consideration of the characteristics of the assessment and the student being assessed. Assessments should not be administered without a specific purpose or need for information. Because of the changes in federal regulations, the role of assessment in Specific Learning Disabilities determination process has been expanded.

Schools typically establish cut-scores between the 1st and 25th percentile, except when the number of students whose scores fall within this range makes up more than 20 percent of the student body.

For more on screening, see Screening and Identifying Students for Intervention. Four types of assessments that may be used during the decision-making process are:

Screening.

Progress Monitoring.

Prescribing instruction and diagnosing educational needs.

Program Evaluation and Improvement—Not elaborated on in the SLD Manual. For more information see materials from the Division of School Improvement.

Screening

Schools may use assessments to screen for or identify students at-risk of inadequate achievement, behavioral or social emotional concerns, poor health, hearing or vision, substance abuse, etc.

Typically, screening tools are administered three times per year by trained staff or volunteers. Screening occurs at multiple points to ensure that students are improving throughout the school year and to target additional instructional supports for students not making progress.

Screening tools should accurately identify those who are at risk from those who are not to verify interventions are provided in a timely manner. Screening tools are not perfect; therefore decision making teams must establish the acceptable range of cut-scores as well as have procedures for combining screening data with other relevant data in order to provide accurately target students needing additional supports.

Progress Monitoring

While screening measures are used to predict future performance, progress-monitoring measures are used to determine how the student is responding to instruction. Progress Monitoring is a scientifically based practice, which uses ongoing assessments that compare expected and actual rates of learning. The results are used to assess the effectiveness of instruction by depicting the student's starting level of performance and growth over time. Trained staff should administer progress-monitoring measures on a weekly or bi-weekly basis.

Ideally progress-monitoring measures are quick to administer, score, interpret and are sensitive to changes in students' future performance. It is important to understand that progress monitoring measures may be related to the curriculum in that they assess a particular skill; however, they do not have to represent all of the curriculum or skills that are being taught. Measures that assess all skills that are being taught are considered mastery measures not progress monitoring measures. Progress monitoring scores, represented visually provide a quick review of the student's progress within the curriculum or intervention. School staff may use analysis of level, slope, discrepancy from aim line, and error analysis to guide them in modifying or changing the intervention see Chapter 5 for more information.

Prescribing Instruction and Diagnosing Areas of Need

Prescriptive assessment may include formal and informal measures including error analysis procedures. Decision-making teams may use prescriptive assessments to formulate instruction for a group or individual, to thoroughly understand all aspects of a student's level of proficiency with a skill(s) or to match or modify interventions.

Diagnostic assessments are different from prescriptive measures in that they are most often formal standardized measures.

Diagnostic assessments may be used to comprehensively analyze cognitive, academic, language, motor, and social functions or address a specific diagnostic question.

These measures are useful to identify:

Profiles of strengths and weaknesses.

Determine discrete skill deficits, level of functioning and gaps in performance.

Deficits that may be contributing to an inadequate skill acquisition or mastery.

Diagnostic measures may also be used in assisting the team in making entitlement decisions and improve the match between the student's learning abilities and instruction.

Comprehensive assessment batteries are traditionally used as a broader diagnostic measure. They are collections of tests that have been constructed to differentiate learners with varying abilities (e.g. learning disabled, gifted and talented, developmentally cognitively disabled, etc.). Because items are selected for their ability to discriminate between ability levels, they have been highly criticized for not being representative of the student's curriculum or useful for developing instructional goals and objectives.

Comprehensive assessment batteries may be used for the following reasons:

To identify all the areas of academic achievement or performance that are impacted by a disability as required by law.

To establish a pattern of strengths and weaknesses across multiple areas of performance/achievement.

Staff that are highly trained and experienced with these measures should have the ability to translate scores, error patterns, or behaviors and thinking noted during assessment into meaningful instructional plans.

Comparison of Assessment Types

The following table compares types of assessments and their applications and uses.

Table 11-1

Assessment Types

	Screening	Progress Monitoring	Prescribing/Diagnosing
Population	School-wide	Group/individual	Individual
Uses	Indicators	Specific skills/behaviors	Skills/abilities/knowledge/ performance
Frequency	3 times per year	Weekly or bi-weekly	As needed or yearly
Purpose	Identify risk	Effectiveness of intervention	Profile of strengths and weaknesses
Focus	School	Group/student	Student
Instruction	Class and school instructional decisions	Within an intervention	Design instruction
Function in Decision- Making	Sorting students for levels of support	Continue with or modify support	Plan or specify instructional practices

Note: Program Evaluation and Improvement is outside the scope of the SLD Manual. In summary, the types of assessment may be used to identify:

Students at-risk of not achieving to age or grade level expectations.

Areas of weakness that require intensive instructional interventions.

Students who are not making progress given high-quality instruction or faithfully implemented and research-based interventions.

Whether a student has a disability and is eligible for special education and related services.

Specific strengths and areas of need that may be used to plan an appropriate individualized educational program.

The following figure provides an overview of the steps in the assessment process.

Identify student through Identify student by referral. school-wide screening. Parent or teacher identifies student as achieving poorly Data include: OR and needing intervention. Academic Data includes review Health/physical of records. Social-emotional Behavioral Other data relevant for matching intervention with student need Generate hypothesis of most effective interventions. Gather progress monitoring data, consider exclusionary factors and summarize

what is known from interventions.

Generate hypothesis to explain gap in performance and achievement. What is the suspected disability?

Conduct Comprehensive Evaluation

- Synthesize findings from screening, formative assessment, formal and informal measures, interventions, parent input, observations, record reviews, etc. Identify areas that need to be further evaluated in the comprehensive evaluation and test the hypothesis.
- Evaluate factors that contribute to persistent low achievement; sensory or health issues, language differences, social-emotional issues, environmental issues, etc.
- Evaluate broad and specific abilities in achievement to determine levels of achievement that are above/ within/ below age or grade-level expectations or norms.
- Evaluate cognitive abilities/aptitude and create a profile of strengths and weaknesses.
- Re-evaluate factors that contribute to low achievement: cognitive limitations, sensory or health issues, language differences, social-emotional issues, environmental issues, etc.
- Conduct integrated ability analysis using multiple sources of data, to verify consistency between deficits in achievement and basic psychological processes.
- Evaluate the degree to which there is interference with functioning and progress in general curriculum.

Prepare evaluation report by synthesizing all findings to create a picture of how student learns.

Figure 11-1. Assessment Process Flow.

Testing of Limits

Testing of limits is an alteration of standardized assessment procedures, a selective process for gaining additional qualitative information about a student's abilities and problem-solving strategies. A selective and planned manner is required as described in Sattler, Assessment of Children 5th Edition, 2008, following the completion of the standardized administration. An examiner must adhere to professional ethics and give due consideration to whether it is appropriate to engage in the testing of limits with any student assessed.

Only conduct testing of limits after administering the entire assessment using standard procedures. Sattler, 2008 (pp. 206-208), provides the following list of possible procedures.

Provide extra cues to ensure the examiner can determine the amount of help the student needs to solve the problem. As such, the cues should be given in a sequential manner, starting with minimal help.

Change the presentation modality (e.g., from oral to written).

Determine the problem-solving method used by the student. This technique involves asking the student how he or she arrived at a specific response. This may allow the examiner to gain insight regarding the strategies employed by the student as well as to what degree the student understood the task. It is important to note not all students can articulate the strategy.

Eliminate time limits. This technique may provide insight as to whether or not the student can solve the problem at all.

Ask probing questions to provide insight to how the student approaches the task.

When incorporating this information into the Evaluation Report (ER), the initial performance results must be reported. If the student passes additional items during the "testing the limits," the points gained cannot be combined with the initial results, since it will result in invalid and higher standard scores. Still, it may be reported that the student benefited from extra help or extra time during the "testing the limits." Also include a description of the modification made during the "testing the limits"; the information may be useful in the development of the student's educational plan.

Be sure to consider the risk that "testing the limits" may invalidate future assessment results if the student is retested a short time later, e.g. 12-24 months (Sattler 2008). If the student is not retested within the timeframe, and much information can be gained regarding the student's abilities and problem solving strategies, "testing the limits" should be considered.

Important: Any alterations to standard assessment materials, directions, or procedures invalidates the testing conditions and note changes in procedure in the ER. Scores derived from altered procedures may not be used to calculate a severe discrepancy for SLD eligibility, except when performing assessments of students with LEP. Then, follow the recommended procedures outlined in the Handbook for the Assessment and Identification of LEP Students with Special Education Needs, (1991) and the ELL Companion to Reducing Bias in Special Education Evaluation, Minnesota Department of Education, 2003. Assessment scores derived from using the altered directions, procedures, or conditions are not considered valid but may provide the team with valuable qualitative data that reflect the student's achievement level under differing conditions. (*Standards for Educational and Psychological Testing*, AERA, APA, and NCME, 1999; Sattler, 2008).

Assessment Scoring

The bullet points below contain useful information as well as required guidelines for assessment scoring. This information will help teams stay compliant:

Scoring procedures are audited as necessary to ensure consistency and accuracy of application using rubrics that clearly specify the test scoring criteria when human judgment is involved. Regularly monitor scoring consistency and provide a method to check the accuracy of scores when an assessment is challenged.

The assessor and the team must determine if derived scores on an assessment instrument (including progress monitoring) are a valid representation of a student's skills and abilities.

To provide a full report of the information yielded by the assessment process, the assessment should include a full gamut of tasks:

- Administration and scoring of norm-referenced assessments.
- Gathering diagnostic information gained during assessment, classroom observation, and interviews.
- Corroboration of a student's intellectual functioning.
- A discussion of subtest variability, identification of relative strengths and weaknesses.
- Task completion.

Sensitivity and awareness of the student's mood, motivation, level of tension, and distractibility will also assist in assessing responses and to estimate the validity of the results.

Interpreting Assessment and Intervention Results

To begin, Interpretation of scores on any assessment or data from interventions should not take place without a thorough knowledge of the technical aspects of the assessment and intervention, the results, and their limitations.

Next, teams should use multiple measures and look for convergence in the data. If assessment results seem to conflict with information gathered from the progress monitoring tools, standardized assessments, family reports, or other historical or anecdotal information, further assessment may be appropriate.

Many factors influence accuracy of data including:

Reliability

Norms

Standard error of measurement

Validity of the instrument (discriminate validity, content validity, predictive validity, ecological validity)

Frequency with which data was gathered

Environmental conditions of data gathered

Factors within the individual

A preponderance of evidence leads a team to determine the presence of a disability and a referral for special education services. A single assessment instrument without corroborating information is **not** acceptable as the sole basis for the identification of an SLD criteria component.

A pattern of responses validated by information from other sources may confirm professional hunches. A combination of these factors, along with assessment scores,

interviews, and observations enable the multi-disciplinary team to comprehensively assess the student, determine the student's needs, provide appropriate support, and develop an appropriate IEP.

Communicating Assessment Results

When communicating assessment results it should be reported within a context that is easily understood by parents, staff, and/ or students. Information that is presented visually, such as progress monitoring data, is easier for parents or lay persons to comprehend than scores or narratives.

All data relevant for making the eligibility decision should be integrated and reported in the evaluation report; however, reporting only scores in the evaluation summary report is not sufficient. Any information an assessor collected regarding the student's approach to a task, assessment-taking behaviors, willingness to attempt and complete a task, organizational skills, etc., become immediately relevant in understanding how a student functions and how to design specialized instruction. The ER should reveal the strengths and weaknesses of the learner and what abilities the learner displays in an instructional context.

In special education, assessments are selected, administered, and interpreted by school psychologists, reading specialists, special educators, and other professionals, such as speech pathologists and physical therapists. Conveying assessment results with language that the data-based decision-making team, parents, teachers, or students is one of the key elements in helping others understand the meaning of the test results. When reporting results, the information needs to be supplemented with background information that can help explain the results with cautions about misinterpretations. The data-based decision-making team, including parents, must be clear on how the test results can be and should not be interpreted.

Initial Eligibility Evaluation

A student must be referred for a suspected specific learning disability through a formal referral process including Due Process requirements. In order to qualify as having a Specific Learning Disability, the eligibility criteria must be supported through the implementation of a comprehensive evaluation. Determining if the data supports an eligibility decision requires professional judgment by the multi-disciplinary team. The following guidelines for implementing professional judgment have been adapted from New Mexico Public Education Department, 2006.

Professional judgment emerges directly from analysis of extensive data and is characterized by being:

Systematic (organized, sequential, and logical).

Formal (explicit and reasoned).

Transparent (apparent and communicated clearly).

Specific strategies illustrating professional judgment include:

Conducting a thorough social/developmental history (cultural and linguistic background).

Applying broad based assessment strategies.

Implementing research-based practices in intervention.

Evaluating effectiveness of instructional strategies or supports.

Aligning and integrating data to address hypotheses and critical questions.

Applying cultural competence.

Referral Procedures

The referral procedures may vary from district to district; however, the essential elements of the process are the same. Review of existing data is the systematic process of collecting and analyzing information to identify a student who is suspected of having a specific learning disability and needs to be referred for a special education evaluation.

The team should use existing data, hypothesis, and professional judgment to design the comprehensive evaluation versus administering a standardized template of tests. The data that remains to be collected is likely to vary from one evaluation to the next. Some data that illustrates the student's strengths and weaknesses should have previously been collected through interventions, screenings, and parent interviews. If interventions have not been successful in remediating the area(s) of academic weakness, it is likely that additional data to identify the underlying cause of the learning problem will be needed.

The following domains must be considered to determine when the need for evaluation for a specific learning disability or any other disability is suspected:

Cognitive functioning and processes.

Academic performance.

Functional or adaptive skills.

Communication.

Motor skills.

Emotional, social, and behavioral development.

Sensory status.

Health/physical.

Transition areas: employment, post-secondary education and training, community participation, recreation and leisure, home and daily living for students in 9th grade.

As part of an initial evaluation and any reevaluation under Part 300; the IEP Team and other qualified professionals must review existing student evaluation data to include:

Evaluations and information provided by the parents of the student.

Current classroom-based, local, or state assessments, and classroom-based observations.

Observations by teachers and related services providers.

On the basis of that review and input from the student's parents, identify additional data, if any, are needed to determine whether:

The student is a child with a disability, as defined in 34 CFR 300.8, and the educational needs of the student.

When the student is being reevaluated, whether the student continues to have a disability and the student's on-going educational needs.

The present levels of academic and functional performance.

The student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services.

Any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum. [34 CFR 300.305(a)] [20 U.S.C. 1414(c)(1)-(4)]

Reduction of Bias in the Assessment Process

Note: Non-discriminatory practices are embedded throughout the SLD Manual. For more details, see Chapter 8.

Many factors contribute to disproportionate identification and placement in special education. Some factors are related to students and their home environment. Other factors, such as teacher recruitment and preparation, curriculum, instructional styles, lack of emphasis on early intervention, implementation of research-based interventions, and school climate are related to the general education system.

Special education assessment procedures can contribute to disproportionate placement in special education. Traditional assessment processes contribute when they minimize the intervention process, rely too heavily on scores from standardized assessments, fail to take a holistic view of the individual student, focus on student weaknesses to the exclusion of strengths, and do not consider other variables that may cause the presenting problem. Standardized assessments may have content bias and technical limitations because of their norming samples. It is, however, too simplistic to state that traditional assessment processes including standardized assessments are biased and/or unreliable for all students of a given race.

To determine whether a standardized assessment is appropriate for a given student, one must consider if a particular student's life experiences are represented in the content of the instrument and whether he/she is similar to students included in the norming samples. Standardized assessments may have greater validity for students who are more acculturated to the norms of the dominant culture and whose experiences are reflected in the content and norming samples of a given assessment.

Standardized assessments may have less validity for students who are members of a racial and cultural minority group and/or who have not been exposed to a wide range of information and life experiences because of economic disadvantage. Such assessments may also be less valid for those living in a home where another language or dialect is spoken or whose use of English is influenced by the cross-generational use of another language.

Finally, assessment validity is an issue when students have a known impairment such as deaf/hard of hearing or a diagnosed medical condition.

When standardized assessments have limited validity for American Indian or African American students, educators should use a variety of strategies to reduce bias in the overall assessment process to ensure that students are accurately identified as having a disability and appropriately placed in special education services. A comprehensive system that is designed to reduce bias in special education assessment begins with an examination of the school system to determine whether it fosters success for diverse students. Examples include the use of Cross-Battery Assessment procedures (Flanagan, Ortiz, & Alfonso, 2007). Early intervention processes including data collection and the implementation of research-based interventions designed to meet academic and sociocultural needs is the starting point for a comprehensive, non-biased assessment. One of the goals of special education assessment should be to gather information that will lead to improved instruction and improved outcomes for the individual student. This includes an examination of the student's strengths.

Cautions in Use of Eligibility Procedures

It should be understood that neither use of the discrepancy formula or a system of SRBI alone is sufficient to accurately identify a student as having a SLD. Data generated from an implementation of a system of scientific research-based interventions, also referred to as Response to Intervention (RtI), and is only one part of a more comprehensive SLD evaluation.

In the commentary on Reauthorized Federal IDEA 2004 regulations, it explicitly states that "an Rtl process does not replace the need for a comprehensive evaluation. A public agency must use a variety of data gathering tools and strategies even if an Rtl process is used." (Federal Register, 2006, p.46648). If a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation using standardized assessments is appropriate.

The commentary on Reauthorized Federal IDEA 2004 regulations explicitly states that "an Rtl process does not replace the need for a comprehensive evaluation..."

Additionally, discrepancy between ability and achievement provides just one part of a comprehensive picture. Data from two research-based pre-referral interventions that were matched to the student's needs and implemented as intended is necessary to generate a comprehensive picture of how the student responds during instruction and hypothesis for the learning difficulty.

Data from interventions will be important to rule out many of the exclusionary variables that can affect learning in the classroom, notably poor or inappropriate instruction, cultural bias, issues of language acquisition, etc. Sole reliance on data such as discrepancy scores or data from scientific research-based interventions provides an incomplete picture and should be considered as part of data considered in a comprehensive evaluation.

A comprehensive evaluation includes, but is not limited to, providing parents with prior written notice of each proposed evaluation:

Ensuring tests or evaluation tools are administered by trained and knowledgeable personnel.

Assessing the child or student in all areas related to the suspected disability.

Presenting all evaluation results to the parent(s) in writing within state and federal timelines.

Determining whether the child or student meets state eligibility criteria; and, in evaluating each child with a disability.

Ensuring the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (Federal Regulation 34 CFR 300.304).

This federal regulation also states that decisions about students are not to be made based on one assessment [20 U.Sc § 1414(6)(1)(8)]. A variety of information from both norm referenced and criterion-referenced assessments, observations, informal evaluations, work samples, and information from parents, teachers, and students be used in the interpretation of assessment results. Examiners should integrate a variety of student data that identify patterns of performance from all evaluation techniques. A preponderance of information should point to the existence of a disability before determining eligibility for special education or for planning an educational program based on strengths and needs.

References

- American Educational Research Association (AERA), American Psychological Association (APA), & National Council on Measurement in Education (1999). Standards for Educational and Psychological Testing. Washington, D. C.: APA
- Council for Exceptional Children: http://cec.org
- Flanagan, D.P., Genshaft, J.I., & Harrison, P.L.. (Eds.). (1997). *Contemporary Intellectual Assessment.* New York: The Guilford Press.
- Mather, N. & Woodcock, R.W. (1998). Woodcock-Johnson III, Assessments of Cognitive Abilities. Itasca, IL: Riverside Publishing.
- Ortiz, Flanagan, Alfonzo, (2007) Essentials of Cross-Battery Assessment (2nd ed.) Hoboken, NJ: Wiley & Sons.
- Salvia, J. & Ysseldyke, J.E. (1998). *Assessment, Seventh Edition*. Boston: Houghton Mifflin.
- Salvia, J. & Ysseldyke, J.E. (2001). Assessment, Sixth Edition. New York: Houghton Mifflin.
- Sattler, J.M. (2001). Assessment of Children: Cognitive Applications (4th Ed.). San Diego, CA: Jerome M. Sattler, Publisher, Inc.

Appendix

Assessment Publisher Qualifications for Evaluators

Many assessment publishers have designated levels of competency to use/purchase particular assessment instruments based on professional standards in testing. These levels of competency are presented in the Standards for Educational and Psychological Testing published by the American Educational Research Association (AERA), American Psychological Association (APA), and the National Council on Measurement in Education (NCME).

These requirements are usually included in the qualification policies when ordering the assessment. One frequent method used to determine the level of education and training required for administration of an assessment entails the assignment of levels to evaluation instruments and corresponding qualifications for the examiner. For example, Pearson in January 2007 outlined its Qualification Levels and Requirements. These policies that Pearson implemented to comply with professional testing practices are described below. The "assessment user" is the individual who assumes responsibility for all aspects of appropriate assessment use, including administration, scoring, interpretation, and application of results. Some assessments may be administered or scored by individuals with less training, as long as they are under the supervision of a qualified assessment user. Each assessment manual will provide additional detail on administration, scoring and/or interpretation requirements and options for the particular assessment.

Pearson Qualification Levels and Requirements

LEVEL 1

User has completed training in measurement, guidance, or an appropriate related discipline or has equivalent supervised experience in assessment administration and interpretation. Other professional degrees and certifications may also be considered.

LEVEL 2

User has completed a bachelor's degree program that included (a) coursework in principles of measurement and in the administration and interpretation of assessments, and (b) formal training in the content area of the assessment (e.g., achievement, speech and language, or motor skills). If these qualifications have not been met, Users must provide proof that they have been granted the right to administer assessments at this level in their jurisdiction. Level 2 purchases can also select assessments from qualification Level 1.

LEVEL 3

User has a licensure to practice psychology independently, or User is a full member of the American Psychological Association (APA) or the National Association of School Psychologists (NASP) — (member number required), or user has completed a doctoral (or in some cases master's) degree program in one of the fields of study indicated for the assessment that included training (through coursework and supervised practical experience) in the administration and interpretation of professional instruments. If neither of these qualifications are met, Users must provide proof that they have been granted

the right to administer assessments at this level in their jurisdiction. Level 3 purchasers can also select assessments from Levels 1, 2 and M.

LEVEL M

Level M purchasers must provide credentials indicating: a specialized degree in the healthcare field and accompanying licensure or certification, OR proof that they have been granted the right to administer assessments at this level in their jurisdiction. Level M purchasers can also select assessments from Qualification Levels 1 & 2.

Prior to ordering and using an assessment instrument, the publisher's catalog should be consulted for specific qualifications and requirements. In addition, any qualifications for examiners as stated in the assessment manual should be in place.

Analysis of Staff Evaluation Skills

The Analysis of Staff Evaluation Skills (ASES) is a tool for administrators and special education teachers to evaluate current skills and determine needs for professional development. The purpose of ASES is to maintain competency for administering and interpreting standardized evaluations.

The ASES is a checklist of evaluation skills that are needed by special education teachers who use standardized assessments. The checklist should be used as a template and tailored to the specific needs of a school district, building or department

In the item labeled "Other Assessments," it may be helpful to list each assessment separately to determine whether teachers have adequate training to use a specific instrument. When hiring new staff, the checklist may be used to generate questions to be asked during interviews.

Additional uses of the ASES are:

Teacher self-evaluation of competency.

Teacher self-evaluation to determine professional development needs.

Evaluate background and training of teachers to be interviewed.

Determine professional development needs of new hires.

Verify professional development needs of veteran staff.

Identify which staff members are competent to administer and interpret specific assessments.

Set competency requirements for assessment administration and interpretation.

Set level of expertise for certain positions.

Set level of expertise for mentors.

When a new assessment is developed, use the ASES to develop training requirements for those who will be using the new assessment. This self-analysis is a tool that can be used by school districts. The ASES is shown below.

Analysis for Staff Evaluation Skills (ASES)

Area of Skill	Needs Additional Staff Development	Adequate	Well-Developed Skill	Master
Standard Testing Procedures				
Individually administered standardized assessments appropriate to the requirements of the position were administered three times under observation.				
Received feedback regarding testing skills from someone competent in assessment administration and interpretation.				
Has taken graduate level course work on the administration and interpretation of the type(s) of assessments administered or training specific to the assessment completed.				
Can access and use equipment necessary for administration of assessment (tape recorder, headphones, table of certain proportions, etc.)				

Area of Skill	Needs Additional Staff Development	Adequate	Well-Developed Skill	Master
Standard Testing Procedures				
Understands and has access to the space required to administer the assessment (quiet room, no other students, no distractions, etc.)				
Knowledge of standardized assessment procedures specific for the instrument being administered (i.e., testing in a quiet room, no distractions, giving directions verbatim, no cues or extra help unless specified in manual)				
Knows basals and ceilings for assessments (starting and ending items and adequate skill for determining them).				
Has knowledge and can interpret assessment statistics and data.				
In general, knows limitations of assessment instruments.				
Selects assessments based on the nature of the evaluation and the norm sample.				
Understands the appropriate use of testing data.				

Area of Skill	Needs Additional Staff Development	Adequate	Well-Developed Skill	Master
Standard Testing Procedures				
Knows the professional standard of ethics involved in assessment administration and interpretation.				
Assessments in Common Use				
Assessment Name:				
Administered assessment three times under supervision.				
Has received formal training in administration and interpretation of this specific assessment.				
Knows basals and ceilings and has experience using them.				
Assessment Name:				
Administered assessment three times under supervision.				
Has received formal training in administration and interpretation of this assessment specifically.				

Area of Skill	Needs Additional Staff Development	Adequate	Well-Developed Skill	Master
Standard Testing Procedures				
Knows basals and ceilings and has experience using them.				
Assessment Name:				
Administered assessment three times under supervision.				
Formal training in administration and interpretation of language assessments or this assessment specifically.				
Knows basals and ceilings and has experience using them.				
Assessment Name:				
Administered assessment three times under supervision.				
Formal training in administration and interpretation of language assessments or this assessment specifically.				
Knows basals and ceilings and has experience using them.				

Area of Skill	Needs Additional Staff Development	Adequate	Well Developed Skill	Master
Due Process				
Knows Minnesota special education criteria and where to find answers to criteria and evaluation questions.				
Knows how to access the training offered through the district for developing evaluation skills.				
Communicates evaluation results to parents, orally and in writing in a meaningful way.				
Knows the key components necessary to write an ER.				
Can advocate for student's needs with general education teachers and administrators.				
Curriculum				
Knows how to link evaluation results to needs and goals to specially designed instruction for students.				

Area of Skill	Needs Additional Staff Development	Adequate	Well Developed Skill	Master
Knows which services are appropriate for student based on the evaluation.				
Provides documentation (measurable) to parents at IEP meeting.				
Is trained in Functional Behavior Assessment (FBA) and has completed an FBA.				
Knows general education curriculum.				
Understands child and adolescent development.				

Specific Learning Disabilities Glossary

Term	Definition
Acquisition	Status of learning the skill in question.
Academic Language	The complex components of the English language that are required for success in academic discourse such as speeches, academic and workplace discussions, debates, comprehension of content area text as well as writing in the content areas.
Adaptation	Within the context of stages of learning adaptation means a student can solve new or novel problems using current skills.
Adequately yearly progress	A set of measurements of schools and districts to comply with the federal No Child Left Behind act (NCLB).
Analysis of discrepancy from aim line	Determining the gap between what is expected in terms of grade level performance and student's level of functioning as illustrated by data plotted on a graph. The standard set forth in Minnesota Rule 3515.1341 is state approved grade-level content standards.
Analysis of level	Teacher analyzes the student's performance against the long-range goal, often stated in the intervention plan. If a student's performance continues to fall below the desired goal, action is taken to accelerate growth towards the desired goal. If the student's performance exceeds the goal, the goal is revised upward until grade-level expectations are achieved.
Assessment	Means of gathering data in order to make informed decisions. Assessment may include screening, focused problem solving, profiling strengths and weaknesses, observing, testing, progress monitoring of day-to-day, week-to-week, month-to-month functioning (See Sattler, 2001 for additional information).
Associative memory	Ability to recall items that are associated with one another, whether by being presented in a single array or meaningfully related.
Attention	Focusing on particular material. As presented in research it involves the regulation of arousal and vigilance, selective attention, sustained attention, attention span, as well as inhibition and control of behavior.
Auditory processing	Ability to perceive, analyze, and synthesize patterns among auditory stimuli such as identifying, isolating, and analyzing sounds; the ability to process speech sounds, as in identifying, isolating, and blending or synthesizing sounds; and the ability to detect differences in speech sounds under conditions of little distraction or distortion.

Term	Definition
Basic psychological processes	Also known as information processing. These are the cognitive abilities that are involved in perception, thinking, reasoning, problem solving, learning, storing, and retrieving information. The basic psychological processes listed in Minnesota Rule 3525.1341 are not an exhaustive list and include one instance of motoric processing.
Basic Interpersonal Communication Skills (BICS)	Basic interpersonal communication skills are language skills that English Language Learners use during social interactions in a meaningful social context (e.g., at a party, talking with a friend, gaining directions).
Brain injury	Brain injury is not the same as traumatic brain injury (TBI), which is a separate disability category under IDEA and is defined at 34 CFR § 300.8(c)(12). That definition makes clear that "traumatic brain injury" means "an acquired injury to the brain caused by an external physical force" and "does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma." If the child had a learning disability before the brain injury, the brain injury may make the learning disability worse. Inclusion of "brain injury" in IDEA's definition of Specific Learning Disability (SLD) goes back to research conducted in the 1960s and the work of the National Advisory Committee on Handicapped Children which defined SLD and is practically the same definition used in IDEA 2004.
Cattel-Horn- Carroll Theory of Intelligence (CHC)	A theory of intelligence that proposes a three-stratum model of cognitive functioning. Under a general factor of intelligence come 10 general abilities that are built from 70 narrower abilities.
Co-exist	To occur with.
Cognitive Academic Language Proficiency (CALP)	CALP is defined as the ability to comprehend and communicate thoughts and ideas with clarity and efficiency and carry on advanced interpersonal conversations. This ability is believed to take approximately 5-7+ years to develop and is required for academic success. CALP is commonly used in referencing the level of language acquisition of an English Language Learner.
Constraining factors	Factors that impede or adversely influence acquisition, integration or production of learning.
Culture-Language Test Classification (CLTC)	A tool used to classify tests according to language and cultural demands.

Term	Definition
Cultural Language Interpretive Matrix (CLIM)	A tool used to assist interpreting the results of standardized tests to account for cultural and linguistic demands separate from cognitive abilities.
Curriculum-Based Measures (CBM)	CBM is an approach for assessing the growth of basic academic skills. It is a set of standardized assessment procedures that are technically adequate and have standardized rules about what and how to measure those skills. CBM tasks sample student performance directly and under timed conditions, have many equivalent forms, are very brief, use stimulus materials designed to follow certain guidelines, and are easy to teach and use. Deno (2003) Developments in CBM, Journal of Special Education, 37, 184-192.
Dyslexia	Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge (Lyon, Shaywitz, & Schaywitz, (2003). A definition of dyslexia. Annals of Dyslexia, 53, 1-14.) For more information see the Dyslexia informational paper on the Specific Learning Disabilities page of the MDE Website.
Developmental Aphasia	The National Institute on Deafness and Other Communication Disorders (2002) at the National Institutes of Health describes aphasia as "a language disorder that results from damage to portions of the brain that are responsible for language."
Drift	Deviation from implementing a practice or procedure as it was designed. Drift is usually unconscious changes made over time.
Due process requirements	Federally defined procedures and safeguards that protect the rights of individuals with disabilities.

Term	Definition
Early Intervening Services (EIS)	Services for children in K-12 (with a particular emphasis on children in K-3) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. EIS is a broad provision of support services that requires the collaborative involvement of general education and special education focused on providing high-quality and effective early learning experiences for all students (K-12). In implementing coordinated, early intervening services under § 300.226 (a), a local education agency may carry out activities that include: professional development for teachers and other school staff to enable personnel to deliver scientifically based academic and behavioral interventions [§ 300.226 (b)(1)], and providing educational and behavioral evaluations, services, and support [§ 300.226 (b)(2)]. [Burdette, P. (2007 April) and 34 C.F.R. § 300.226]
English Language Learners (ELL)	A term used to describe an individual that is learning English.
Evaluation Report (ER)	For more information see Minnesota Rule 3525.2710 supb. 6.
Error analysis	Analysis of errors used to identify patterns and determine what student needs to work on to improve performance.
Evidence-based Interventions	Interventions that are based on or informed by research, but do not meet the technical standards of scientific research-based interventions. See the definition of scientific research-based intervention for the technical standards.
Executive functioning	The ability to monitor performance and correct errors while simultaneously maintaining awareness of task relevant information in the presence of irrelevant information. Executive functions are responsible for the planning and implementation of complex tasks. These abilities are essential to virtually all areas of academic performance. Executive functioning does not fully develop until about the age of 21.
Facilitating factors	Factors that ease or positively influence acquisition, integration or production of learning.
Fidelity	Implementation as designed.

Term	Definition
Fluid reasoning	Ability to use and engage in various mental operations when faced with a relatively novel task that cannot be performed automatically. It includes the ability to discover the underlying characteristic that governs a problem or set of materials, the ability to start with stated rules, premises, or conditions, and engage in one or more steps to reach a solution to a problem. It also affects the ability to reason inductively and deductively with concepts involving mathematical relations and properties.
	An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns. A good FBA process should include:
	A description of problem behaviors.
Functional Behavior	2. Identification of events, times, and situations that predict the occurrence and nonoccurrence of the behavior.
Assessment (FBA)	3. Identification of antecedents (or "triggers") both distal (occurring slightly before but not immediately before the target behavior) and proximal (occurring immediately prior to the target behavior).
	4. Description of reinforcers that maintain behavior.
	5. Hypothesis for functions of the behavior.
	6. Description of positive alternative behaviors.
General Ability Index (GAI) score	GAI is a composite score that is based on three Verbal Comprehension and three Perceptual Reasoning subtests, and does not include the Working Memory or Processing Speed subtests included in the Full Scale IQ (FSIQ).
Inter-rater reliability	Agreement in ratings between individuals that administer an assessment.
Interventionists	Staff delivering interventions.
Individualized Education Program (IEP)	Individualized education program describes the educational program designed to meet the student's unique needs and must contain specific information about the child or student such as present levels of academic achievement and functional performance, that lead to statements of need. Goals and accompanying objectives are developed based on the student's assessed needs. An IEP is written for a 12-month period and must be reviewed and revised annually. For specific requirements of content to be specified in the IEP, see Minnesota Statutes section 125A.08.

Term	Definition
Individuals with Disabilities Education Act (IDEA)	The federal law that ensures services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services eligible individuals. It also includes a description of parent rights and procedural safeguards which support compliance with the law.
Law	Legal requirement made by the Congress and signed by the President.
Least squares regression line	A statistical method of fitting data between a model and observed data.
Maintenance	Within the context of stages of learning the student applies knowledge accurately and automatically overtime.
Multidimensional Assessment Model for Bilingual Individuals (MAMBI)	A tool for to selecting the most appropriate assessment methods and materials and means of assessing non-native English speakers. "Most appropriate" is to the method that is likely to yield the most fair and non-discriminatory estimates of actual ability assuming that standardization is maintained in the administration of the test.
MAZE replacements	Fluency measures where students are required to select, from a limited number of choices, the word that makes the text make sense.
Measures	The tools by which information relative to some established rule or standard is collected.
Minimal Brain Dysfunction	This is a term referenced in the federal definition of a Specific Learning Disability that is not currently used in Minnesota. As put forth in research by the NACHC, minimal brain dysfunction referred to: children of near average, average, or above average general intelligence with certain learning or behavioral disabilities ranging from mild to severe, which are associated with deviations of function of the central nervous system. These deviations may manifest themselves by various combinations of impairment in perception, conceptualization, language, memory and control of attention, impulse, or motor function (Clements, 1966, 9-10). The term began to fade in the professional literature as use of the term "learning disabilities" increased.

Term	Definition
No Child Left Behind Act (NCLB)	The federal law that reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). The focus of the law is on a number of federal programs aiming to improve the performance of U.S. primary and secondary schools by increasing the standards of accountability for states, school districts, and schools, as well as providing parents more flexibility in choosing which schools their children will attend. Additionally, it promoted an increased focus on reading. The No Child Left Behind Act (Public Law 107-110), is often abbreviated in print as NCLB.
Oral Reading Fluency (ORF)	An outcome indicator used by having a person read passages within a specified time followed by calculation of words read correctly.
Passive consent	A type of consent where programming moves forward unless the consenting party objects or refuses.
	Perceptual disabilities speaks to the difficulties that an SLD can cause in visual or auditory discrimination. Among other things, visual discrimination difficulties may manifest themselves in: organizing the position and shape of what is seen; focusing on the significant figure instead of all the other visual inputs in the background; judging distance; or doing things when the eyes have to tell the hands or legs what to do (Silver, 2001).
Perceptual disabilities	Problems with auditory discrimination may manifest themselves as difficulties in, among other things:
	• distinguishing subtle differences in sounds, or one specific sound (e.g., their mother's voice) from a field of noises (e.g., the TV);
	understanding what people are saying; or
	• processing sound input as fast as normal people can (called an "auditory lag") (Silver, 2001).
Phonological awareness	Refers to an individual's awareness of and access to the sound structure of his/her oral language. This awareness proceeds from word length phonological units in compound words (e.g., cowboy), to syllables within words, to onset-rimes units within syllables to individual phonemes within rimes, and finally to individual phonemes within consonant clusters.
Phonological core deficits	Refers to difficulties in making use of phonological information when processing written or oral language.
	Major components: are phonemic awareness (one's understanding of and access to the sound structure of language), sound-symbol relationships, and storage and retrieval of phonological information in memory.

Term	Definition
Phonological memory	Refers to coding information phonologically for temporary storage in working memory. A deficient phonological memory does not appear to impair either reading or listening to a noticeable extent, provided the words involved are already in the individual's vocabulary. However, phonological memory impairments can constrain the ability to learn new written or spoken vocabulary.
Planning, Attention, Simultaneous, and Successive (PASS) Theory	A theory of intelligence that consists of three components. First is attentional processes that provide focused cognitive activity; second is information processes (simultaneous and successive); and third is planning processes that provide the control of attention, information processes, internal and external knowledge, and cognitive tools and self-regulation to achieve desired goals (Naglieri, J. and Das, J. (1990).
Predictive accuracy	The extent to which a measure accurately predicts future performance.
Problem-solving	A systematic approach that reviews student strengths and weaknesses, identifies evidence-based instructional interventions, frequently collects data to monitor student progress, and evaluates the effectiveness of interventions implemented with the student (Cantor, 2004 in Principal Leadership).
Proficiency	Student accurately applies knowledge. Measures of proficiency do not always include efficient or automatic performance.
Progress monitoring	The frequent and continuous measurement of a student's performance that includes these three interim assessments and other student assessments during the school year (Minnesota Statutes section 125A.56). Progress monitoring may include more frequent measurement of student performance to determine growth over shorter periods of time.
Processing speed	The ability to fluently and automatically perform a cognitive task, especially one involving focused attention and concentration (e.g., searching for and comparing visual symbols, manipulating numbers).
Regulation	Guidance on how to apply a law made by the executive branch. Federal Regulations and Minnesota Rules specify what is required for legal compliance.
Response to Intervention (RtI)	Response to Intervention is a framework for building a school-wide process for delivering high-quality instruction and interventions and ensuring they are matched to the needs of students requiring additional academic and behavioral supports.

Term	Definition	
Rapid naming	The ability requires efficient retrieval of verbal information (names of objects, colors, digits, letters, etc.) from long-term memory. Rapid naming impacts a student's ability to efficiently retrieve phonological codes associated with individual phonemes, word segments, or entire words.	
Rules	An administrative rule is a general statement adopted by an agency to make the law it enforces or administers more specific or to govern the agency's organization or procedure.	
Scientific Research-based Intervention (SRBI)	 A. Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. B. Includes research that employs systematic, empirical methods that draw on observation or experiment. C. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn. D. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators. E. Uses experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest. It carries a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls. F. Presents experimental studies in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings. Accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. 	
Short-term memory	The ability to obtain and hold information in immediate awareness and then use it within a few seconds. See also "working memory."	
Slope	Teacher analyzes student's rate of progress against pre-determined aim line or decision rules. If student's growth is below what is desired or expected, action is taken to accelerate growth. If growth exceeds aim line, the goal and aim line are adjusted upward.	
Technically adequate assessment	Refers to tests and procedures for which recognized professional standards of construction, validity, reliability, and use have been met.	

Term	Definition
Test	Any standardized procedure used for measuring a sample of behavior (e.g., observations, student constructed responses, rating scales, checklists, curriculum based measures).
Testing of limits	Altering standardized assessment procedures selectively in order to gain additional qualitative information about a student's abilities and problem-solving strategies.
Total Special Education System (TSES) Plan	The Total Special Education System (TSES) is designed to assist districts and local education agencies in achieving compliance with special education mandates and funding requirements. The TSES includes all pertinent requirements in the Code of Federal Regulations which are carried out by the local education agencies: (1) child study procedures for the identification and evaluation of students or other persons suspected of having a disability; (2) methods of providing special education services for identified individuals; (3) administration and management plan to assure effective and efficient results of items 1 and 2; (4) operating procedures for interagency committees required in statute; (5) interagency agreements the district has entered; and, (6) policy for describing the district's procedures for implementing the use of conditional interventions. Districts must keep a plan that documents their policies and procedures for ensuring compliance. For more information see Minnesota Rule 3525.1100.
Teaching English as a Second or Other Language (TESOL)	A national professional organization for ESL teachers; sometimes also used to refer to an instructional program.
Trend	The direction of a student's rate of growth across time.
Universal Design for Learning (UDL)	UDL provides a blueprint for creating flexible goals, methods, materials, and assessments that accommodate learner differences. To learn more about UDL visit the CAST Website (www.cast.org/teachingeverystudent).
Visual processing	An individual's ability to understand and mentally manipulate visual information.
Working memory	The ability to hold a small amount of information in memory while manipulating it. Sometimes used synonymously with "short-term memory."