Berrien RESA

Today's Purpose - Tomorrow's Promise.

Specific Learning Disabilities
PROCEDURAL GUIDELINES

ENDORSEMENT PAGES

The undersigned certify:

That representative(s) from my school district have been involved in and/or apprised of the **Specific Learning Disabilities Procedural Guidelines,** which were developed and/or modified to assist in the evaluation and eligibility determination of students with specific learning disabilities within the Berrien Regional Education Service Agency. My signature certifies that my district will use and implement the **Specific Learning Disabilities Procedural Guidelines**.
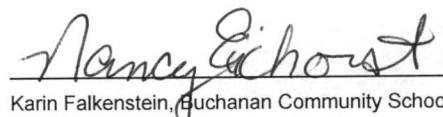
District Representative
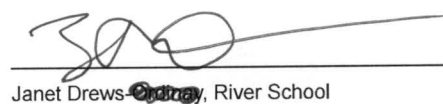
Pamela Harper, Benton Harbor Area Schools

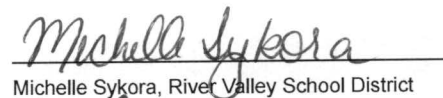Chris Ruiter, Benton Harbor Charter School
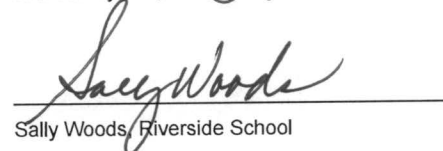
Danny Bartz, Berrien Springs Public Schools

Michelle Wruble, Brandywine Community Schools
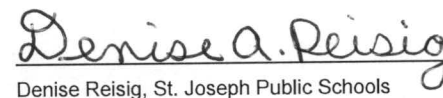
Sam Stine, Bridgman Community Schools

Karin Falkenstein, Buchanan Community Schools

Janet Drews-Ordway, River School

Michelle Sykora, River Valley School District

Sally Woods, Riverside School

Denise Reisig, St. Joseph Public Schools

Rita Moore, Coloma Community Schools

Scott Pfeiffer, Countryside Academy

Laura Lausch, Eau Claire Public Schools

Stacey Steffes, Lakeshore Public Schools

Susan Pagen, New Buffalo Area Schools

Diane Curry, Niles Community Schools

Molly VanDeWege, Watervliet Public Schools

Mingcoria Minter, DREAM Academy/Mildred C. Wells Academy

Procedural Manual
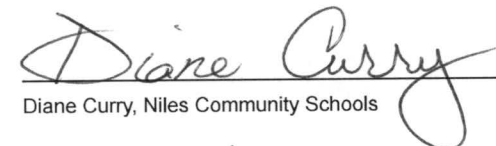
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Introduction

A significant shift in the way we think about the identification of Specific Learning Disabilities has occurred. There is heightened emphasis throughout IDEA 2004 on effective core instruction and intervention that will result in improved educational outcomes for all students, including those at risk for learning difficulties and those who may be identified as having a Specific Learning Disability [SLD]. Ensuring that a student is not identified as having a disability because of difficulties that are due to language differences or inadequate instruction, especially in the five essential components of reading and in math, is also elevated in importance. A systematic approach to meeting learning needs greatly increases the chances that appropriate instruction is being provided.

Identification processes that have operated in a "test → eligibility → intervention" manner have often resulted in a "wait-to-fail" phenomenon that occurs when a student is having difficulties, but is not eligible for intervention (via special education) because the assessed discrepancy between aptitude and achievement is not yet large enough. This approach has now given way to one that provides interventions as part of a problem-solving process at the earliest indication of need. Then, if both low achievement and insufficient progress are still evident, the student's response to those interventions, along with other relevant data, may lead to a special education referral and a disability determination.

The conceptualization of identifying students with a SLD is built around the following formula:

Appropriate Instruction	+	Inadequate Progress	+	Pattern of Strengths & Weaknesses	+	Need for Special Education	-	Exclusionary Factors

The first 4 components of the formula must be present to support eligibility for a learning disability. Exclusionary factors that do not support eligibility must be ruled out before a recommendation for special education can be given. Students with a learning disability must demonstrate inadequate progress to the point the child requires special education and/or related services to progress in age and/or grade level content. This inadequate progress, along with a pattern of strengths and weaknesses, must exist despite a student's exposure to appropriate instruction.

Berrien RESA's guidelines for the identification of students with a specific learning disability are divided into two distinct, but corresponding documents:

Procedural SLD Guidelines: The focus of this document is to provide the evaluation team and educators with an overview of the essential components of the SLD formula. It will allow all those involved in the evaluation process to gain a clearer and more accurate understanding of the criteria and information needed for the evaluation team to determine special education eligibility.

SLD Guidelines Handbook: The focus of this handbook includes a more detailed explanation of the law, best practices, and rationales behind the Procedural SLD Guidelines. It will help define specific practices such as progress monitoring along with federal and state rules that correspond with the indicators and criteria for special education eligibility. This handbook will be periodically updated based upon evolving best practices, rule changes, and research.

Appropriate Instruction

Poor instruction is a known cause of low achievement. Appropriate instruction, therefore, is especially relevant to the identification of students suspected of having a specific learning disability. The importance of documenting appropriate instruction in the area of a suspected disability is one of the most visible and fundamental changes in the law and the reason it is the first component of the SLD formula.

It is the collaborative responsibility of the Evaluation Team and Local Educational Agency [LEA] to gather any information necessary for decision making about appropriate instruction. The Evaluation Team and LEA may develop specific procedures, including who gathers information, what strategies and sources will be used, and who documents the findings in the report. Just as each student's case varies from the next, the personnel and roles of each Evaluation Team differ from team to team.

Appropriate Instruction Indicators (Table i.1)

Indicators	Guiding Questions	Criteria/Standard	Source of Information
1. Teacher qualifications	• Does the teacher have the necessary credentials?	• Teaching certificate • Highly qualified	• School district records and/or administrative input/questionnaire • Public reporting
2. Student Participation in instruction	• What's the student's attendance rate, including tardies?	• Attendance ≥ 90%	• School attendance records and permanent records
3. Quality of the core curriculum	• Is the curriculum scientifically based? • Is the curriculum aligned with state standards? • Does the curriculum include the essential components of reading, math, and writing?	• The curriculum includes the essential components of reading, math, and writing • SOLE (Systematic Observation of Learning and Environment) results indicate quality curriculum	• School Improvement Plan and/or administrative input • Guaranteed viable written curriculum • Observation (SOLE)

Indicators	Guiding Questions	Criteria/Standard	Source of Information
4. Implementation of the core curriculum	• Are students exposed to at least a 55 minute literacy block? • Are students exposed to at least a 55 minute numeracy block? • Are interventions provided outside the core curriculum?	• Literacy 55 min. block present • Numeracy 55 min. block present • Interventions provided outside of core curriculum time • SOLE results indicate curriculum implementation	• Teacher input/ questionnaire • Grade-level team meeting minutes • Observation (SOLE)
5. Effective core instruction and intervention methodologies implemented with fidelity	• What percentage of students are meeting grade-level standards? • What percentage of students are meeting intervention goals? • Does the educational environment match the student's instructional need?	• 80% of students meet grade-level standards • 80% of students receiving intervention are at or near aimline • Systematic tiers of support implemented • SOLE results indicate practice fidelity	• Universal assessments • MI School Data • Benchmark assessment reports • Observation (SOLE)
6. Repeated assessments given at reasonable intervals used to inform instruction	• What's the student's rate of improvement? • Have instructional practices been modified based upon repeated assessment results? • Does the measurement tool have established reliability and validity?	• Instruction has been modified for students not demonstrating improvement • Established evidence to support instrument's validity and reliability	• Benchmark assessment reports • Progress monitoring reports • Intervention documentation records
7. Results of repeated assessment have been shared with parents	• What documents have been shared with parents?	• Reporting occurs at least 4-8 times per school year, or as often as written progress notes are sent home	• Documentation records • Parent interview

Inadequate Progress

Establishing that a student demonstrates inadequate progress is one of five required components for specific learning disability (SLD) determination. The evaluation team must address whether the student shows a lack of achievement and insufficient progress to meet age or grade level standards.

To determine inadequate progress, the Evaluation Team must determine if there is an academic deficit that is severe and unexpected when compared to peers. The Evaluation Team's primary consideration in determining a student's progress is by analyzing the results of repeated assessments of achievement. There must be evidence that the student is not achieving adequately when provided with appropriate learning experiences and instruction.

Indicators	Guiding Questions	Criteria/Standard	Source of Information
1. Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards	• Are there 12 data points collected over at least 7 weeks to effectively determine rate of progress? • Were the instruments used valid and reliable measures, as well as sensitive to growth? • Does the progress slope indicate that the student is likely to meet their goal? • Has the rate of improvement changed in response to different interventions?	• 12 data points over at least 7 weeks • Valid, reliable, sensitive instruments used • Growth slope documentation • Growth shifts documentation	• Progress monitoring graphs • Rate of improvement norms • Instrument manual
2. Level of performance on repeated assessments of achievement falls below the child's age or state-approved grade-level standards	• Is the growth target appropriate considering the student's current level?	• Appropriate target	• Progress monitoring graph • Rate of improvement norms • Survey Level Assessment
3. Level of achievement is significantly below typical performance on valid and reliable achievement tests using either state or national comparisons	• Is the student's growth unexpected when compared to their grade, class, or intervention group? • What is the current level of performance on norm-referenced tests, benchmark assessments, and/or criterion-referenced tests?	• Performance significantly below peers • Test performance at or below 9th percentile • State assessment below proficiency	• Progress-monitoring reports • Norm-refered achievement results • Benchmark assessment reports • Criterion-referenced test results

Pattern of Strengths and Weaknesses

Berrien RESA has adopted an Academic Achievement Pattern of Strength and Weakness [PSW] model in which multiple sources and types of data are organized and examined in relation to a student's achievement.

Historically, a cognitive assessment had been a key component for SLD identification. Currently, within the PSW model, a cognitive assessment may be used, but primarily to rule out a cognitive impairment and/or develop intervention strategies and support. The need for a cognitive assessment should be determined based upon each unique student at the REED meeting by the evaluation team. It is important for the Evaluation Team to remember that the PSW indicator is only one of the five required elements in determining the presence of a SLD. The PSW component carries no more weight than the other factors in the determination process.

The Evaluation Team will use the following PSW worksheet to summarize and organize the data that has been gathered during the evaluation to serve as a decision-making tool. For a student to demonstrate a pattern of strengths and weaknesses, he or she shall have a least four boxes checked as an unexpected weakness in an academic area within a row [e.g., basic reading], and at least three boxes checked as a strength within a different academic area.

Note: For norm-referenced assessments, consider the standard error of measurement when determining an academic deficit. Neither achievement data nor cognitive processing results should be applied with rigid rules to determine eligibility.

PSW Worksheet (Table i.3)

Performance	1 Criterion Referenced	2 Benchmark	3 State Assessment	4 Curriculum Assessment	5 Grades	6 Teacher	7 Classroom Observation	8 Progress Monitoring	9 Norm Referenced
Basic Reading — Individual [S N W]									
Basic Reading — Comparative [E U]									
Reading Comprehension — Individual [S N W]									
Reading Comprehension — Comparative [E U]									
Reading Fluency — Individual [S N W]									
Reading Fluency — Comparative [E U]									
Math Calculation — Individual [S N W]									
Math Calculation — Comparative [E U]									
Math Reasoning — Individual [S N W]									
Math Reasoning — Comparative [E U]									
Written Expression — Individual [S N W]									
Written Expression — Comparative [E U]									
Oral Expression — Individual [S N W]									
Oral Expression — Comparative [E U]									
Listening Comprehension — Individual [S N W]									
Listening Comprehension — Comparative [E U]									

Individual Performance

1. Criterion Referenced	Strength	≥30th percentile
	Neither	10-29th percentile
	Weakness	≤9th percentile
2. Benchmark Assessment	Strength	At Benchmark
	Neither	Strategic
	Weakness	At-Risk
3. State Assessment	Strength	3, 4
	Neither	--
	Weakness	1, 2
4. Curriculum Assessment	Strength	≥80%
	Neither	61-79%
	Weakness	≤60%
5. Grades	Strength	A, B
	Neither	C
	Weakness	D, F
6. Teacher Observation	Strength	Average to Above Average
	Neither	Low Average
	Weakness	Low
7. Classroom Observation	Strength	Average to Above Average
	Neither	Low Average
	Weakness	Low
8. Progress Monitoring	Strength	--
	Neither	--
	Weakness	4 data points below aimline
9. Norm-Referenced Assessment	Strength	≥30th percentile
	Neither	10-29th percentile
	Weakness	≤9th percentile

Comparative Performance

4. Curriculum Assessment	Expected	Consistent with peers when reviewing grade level average/ranking
	Unexpected	Significantly below district average, bottom 10% ranking with grade level
8. Progress Monitoring	Expected	Rate of progress is consistent with peers receiving similar levels of support
	Unexpected	Rate of progress is significantly below peers receiving similar levels of support
9. Norm-Referenced Assessment	Expected	Average/typical performance results when compared to national norms
	Unexpected	Performance ≤9th percentile

Need for Special Education

Throughout the course of the evaluation process, data concerning the instructional needs of the student are identified and analyzed. If the Multidisciplinary Evaluation Team (Evaluation Team) determines the student meets all eligibility requirements for SLD [i.e., appropriate instruction, inadequate progress, pattern of strengths and weaknesses], the next step is to determine whether the child needs special education and related services.

Eligibility for special education is based upon a two-pronged approach in which the student must have a disability and a need for special education support. It is possible for a student to have a disability but not require special education. Another student may need supports, but does not have a disability. In both cases, special education eligibility would not be appropriate.

For a student with a disability, the evaluation team must determine if the student's needs extend beyond the resources and supports provided in the general education setting. Characteristics of intensive interventions may include the frequency and amount of time they are provided, the group size of students receiving the intervention, and how aligned a particular support is with the needs of a student.

Need for Special Education Indicators (Table i.4)

Indicators	Guiding Questions	Criteria/Standard	Source of Information
1. A disability is established	• How different is the student's performance and rate of growth when compared to peers?	• There continues to be a significant gap between the expected standard and student performance • The student's rate of improvement continues to be unexpected	• Evaluation team report
2. The instructional needs are intensive	• What factors would prevent the student from making progress in the general curriculum? • Does the student's instructional needs continue to be significantly different from general education peers? • How significant is the difference between current supports and continued needs?	• Minimal progress despite receiving intensive research/evidence-based interventions • A variety of appropriate interventions have been provided in which the student has not progressed	• Evaluation team report • Overview of interventions and accomodations

Exclusionary Factors

It is a primary job of the Evaluation Team to rule out all factors other than the presence of a specific learning disability (SLD) as the primary cause of the student's inadequate progress. Exclusionary causes are important to consider as they are known causes of inadequate progress in students. For SLD identification, this has been a cornerstone of the evaluation process since its inception.

The Evaluation Team must not only determine which factors are contributing to inadequate student achievement, but also determine which factor is most limiting access to and progress in the general education curriculum. The issue is one of determining the "primary cause" for the inadequate progress. If any of the exclusionary factors are determined to be the primary cause of the student's difficulty, then SLD is not an appropriate eligibility determination. The Evaluation Team must also realize that a student

to whom one of these exclusionary factors applies might still be appropriately determined to be eligible as a student with a SLD, if the exclusionary factor in question is not the primary cause of the student's inadequate progress. The Evaluation Team must never arrive at an eligibility decision for SLD without considering the contribution of each of the exclusionary factors relevant to the target student.

Exclusionary Factors Indicators (Table i.5)

Indicators	Guiding Questions	Source of Information	Factor is a Primary Cause? Yes	No
1. Visual, Hearing, or Motor Disability	• Are there hearing, vision, or sensory factors that are primarily responsible for performance?	• School/heath screening • Records provided by the parent • Physician's evaluation		
2. Cognitive Impairment	• Is performance equally depressed in all areas of academic achievement?	• Parent & teacher input • District assessments • Patterns of Strengths and Weaknesses table • Intellectual assessment		
3. Emotional Impairment	• Does the student have a history of emotional/behavioral concerns?	• Parent & teacher input • Observations • Medical/school records • Behavior plans		
4. Autism Spectrum Disorder	• Does the student have a history of social/behavioral/communication concerns?	• Parent & teacher input • Observation • Medical/school records		
5. Cultural, Environmental, or Economic Disadvantage	• Are there any family stressors [e.g., divorce, homelessness, death in family, frequent moves] which may interfere with learning?	• Attendance records • Attending school history • Teacher & parent input • Disaggregated performance data for student's subgroup		
6. Limited English Proficiency	• What is the student's primary language? • If the student speaks another language, what is their level of English proficiency?	• State language proficiency assessment • Home Language Survey • Teacher & parent input • Observation		

Conclusion

As school teams address the needs of their students, they can use this procedural SLD guideline document to understand what information to collect, document, and review. School teams are encouraged to review the SLD formula to first determine whether a student has received appropriate instruction. With that assurance in place, teams must review whether the student is making progress in response to targeted interventions. With the assurance a student is making inadequate progress despite being exposed to high quality and effective instruction, the team should determine if there is a need for special education services. Throughout the process, the team must rule out exclusionary factors as the primary cause of an unexpected underachievement.

Teams are expected to consult the SLD Guidelines Handbook throughout their evaluation and recommendation for special education eligibility. Again, this handbook will be periodically updated based upon evolving best practices, rule changes, and research. ■