RTI and SLD Eligibility: Informed Choices and Quality Practices

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Old Thinking

A LOTTA Tasting to Get a Kid
a LITTLE Hep

Test to Identify Disability/Disease
WHAT A KID HAS!

New Thinking

A LITTLE Tasting to Get a Kid a LOTTA Hep

Test to Identify Interventions
that Make a Difference
WHAT A KID HAS!

The Shift

Attributable to W. Alan Coulter, Ph.D. National Center for Special Education Accountability Monitoring
http://monitoringcenter.lsuhsc.edu

Disclosure

Mark R. Shinn, Ph.D. Serves as a Paid Consultant for Pearson Assessment for their AIMSweb product that provides CBM assessment materials and organizes and report the information from 3 tiers, including RTI

Mark R. Shinn, Ph.D. Serves as a Consultant for Cambium/Voyager/Sopris for their Vmath product, a remedial mathematics intervention but has no financial interests

Mark R. Shinn, Ph.D. Serves as a Consultant for McGraw-Hill Publishing for their Jamestown Reading Navigator (JRN) product and receives royalties

Mark R. Shinn, Ph.D. Serves as a Member of the National Advisory Board for the CORE (formerly the Consortium on Reading Excellence) and receives a stipend for participation

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2. Click on the Presentations and Handouts Folder
3. Click on Folder Alabama CASE Birmingham 2012
## Exercise 1: Determining SLD Eligibility for Billy, Grade 4

<table>
<thead>
<tr>
<th>What Tests or Data?</th>
<th>What is the Criterion that Suggests SLD</th>
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### What People Participate?

### What is the Typical Time Frame from Initiation to When an Eligibility Decision is Made?

### How Many Meetings Take Place?

### How Confident Are You That IF SE Eligibility is Determined, the Services Provided Will Significantly Reduce the Gap (1 = Not Confident, 3 = So-So, 5 = Highly Confident)

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Exercise 1

Let’s Look at the Rules of the Game

Alabama State Department of Education
Chapter 290-8-9 Provides Choices (3) for SLD Identification

Alabama State Department of Education
SEEMS to Be Actively Supporting Response to Instruction (RtI)

Alabama Has Made It Clear (to Me) That Local Education Agencies (LEAs) Have Considerable Latitude in Their Methods

*290-8-9-.03(10)(b)1. When determining whether a child has a specific learning disability a public agency:
  * will not be required to take into consideration whether a child has a severe discrepancy between intellectual ability and achievement
  * may use a process based on the child’s response to scientific, research-based intervention
  * may use other alternative research-based procedures
for determining whether a child has a specific learning disability.

*I made some formatting changes for space and clarity

What I Found
Goals

1. Provide Some Discussion about SLD Identification Practices, Examining Your Options According to the Rules of the Game
2. Provide a Choice(s) for SLD Identification Practice that are Scientifically and Practically Defensible: Response to Instruction/Intervention
3. Provide Support for What Needs to Be Done and When to Do This in a Model of Multi-Tier Services and Supports (RtI)

Big Ideas

1. IDEA 2004 Was Passed and Signed Into Law, December 2004. It was designed to FIX Somethings We Complained About for YEARS! Time to Get On With Things
2. How SLD Eligibility is Determined has Direct Implications: This Can Be:
   a. Business as Usual (Ability-Achievement Discrepancies),
   b. Sorta Business as Usual, (Patterns of Strengths and Weaknesses)
   c. Relabeled Pre-Referral Intervention (PRI),
   d. Functional and Practical “RtI” as Part of Overall School Improvement (MTSS)
3. How SLD Eligibility is Determined has Indirect Implications:
   a. How We View Learning and Behavior Problems
   b. What Services We Provide and When We Do That
   c. The “Speed” and Power with Which We Intervene
   d. The Quality of Our Interventions—For ALL Students

Remember: IDEA 2004 and Especially RtI Was Designed to Fix Some Things...

Complaints from 30 Years of Practice
- Wait to Fail
- Too Many Kids and General Education Not Doing More
- Too Many Kids Without Serious Educational Need Qualifying
- Too Many Kids With Serious Educational NOT Qualifying
- Too Restrictive Settings, Especially for Some
- Too Many Meetings
- Too Much Paperwork
- Lack of Powerful Special Education Programs

Results from 30 Years of School-Based Research
- Ability-Achievement Discrepancies Were Psychometrically Flawed and Morally Wrong
- Schools Collected Lots of Data, Much of Which Was Ignored During Entitlement
- SLD Was Often About Power and Politics
- Entitlement was More Important than Interventions with Powerful Interventions
- Lack of Results, Increased Odds of Dropping Out, and “Hotel California” Effects

Ideas and School-Based Practices Are NOT NEW

If You Want To Understand Where We Were and How We Got Here From a Practice Perspective...

People Didn’t “Make Up” The Science

If You Want To Understand Where We Were From a Research Perspective....


2004 Federal Permission Giving

(6) SPECIFIC LEARNING DISABILITIES-

(A) IN GENERAL- Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, the local educational agency shall not be required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

(B) ADDITIONAL AUTHORITY- In determining whether a child has a specific learning disability, a local educational agency may use a process which determines if a child responds to scientific, research-based intervention as a part of the evaluation procedures in paragraphs (2) and (3).

Federal Regulations Imply a Preference

§300.307 Specific learning disabilities.

(a) General. A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State--

(1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in §300.8(c)(10);

(2) Must permit the use of a process based on the child’s response to scientific, research-based intervention;

And...Some Things Thought of as “RtI” are NOT “RtI and Not Just SLD

(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION- In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinent factor for such determination is--

(A) lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

(B) lack of instruction in math; or

(C) limited English proficiency.
Let Me Be Bold…
It Seems as if Alabama Prefers RtI
(For Both SLD Identification, But Also as Part of MTSS)

Ability-Achievement Discrepancy

Status Quo Business as Usual,
Common Sense Appeal
But Scientifically Wrong
Psychometrically Flawed
Morally Indefensible

You Have a Nice Guidance Document

Really a Problem When Applied to Subtests

2. Individual Achievement Test(s)
   (i) Total Test Score (Total Achievement, Total Math, Total Reading, Total Written Expression) or
   (ii) Two composite scores, or
   **Two Subtest Scores in area of suspected disability and/or skill deficit. Score must be 16 or greater.**

Likely a Problem
Scientifically Wrong

One would look for evidence supporting four different propositions:

1. that the pattern of information-processing skills that underlie the reading deficits of low-IQ poor readers is different from the information-processing skills that underlie the reading deficits of high-IQ poor readers;
2. that the neuroanatomical differences that underlie the cognitive deficits of these two groups are different;
3. that low- and high-IQ poor readers require different treatments to remediate their reading problems; and
4. that there is differential etiology in the two groups based on different heritability of the component deficits.

Why do I call reliance on discrepancy definitions in the LD field an example of pseudoscientific practice?

Because there is no strong research consensus supporting any of these four propositions.


I remain frustrated that somehow we cannot seem to get the hard won research knowledge in the field to infuse practice.


Let’s Hear from Someone Who Knows


Let’s Look at the Rules of the Game

It’s Not Just the Law...It is Attention to Psychometrics and Research
Federal Laws and Rules of the Game!

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

(c) Other evaluation procedures. Each public agency must ensure that:
(1) Assessments and other evaluation materials used to assess a child under this part—
(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

Conventional Standards for Reliability

.90 or above for High Stake Decisions
.80 for Screening
.70 for Research Purposes

Understanding Difference (Discrepancy) Scores

Analysis ANY Patterns of Strengths and Weaknesses is Evaluated Using a Mnemonic for Interpreting Difference Scores...

RUM

Reliable

Every Test Score is Comprised of True Score and Error

- Obtained Score = TS + Error

When One Subtracts the Scores, One Obtains a Difference Score

Difference Scores Are Unique Variance and Accumulated Error From Both Tests

The Higher the Tests Are Correlated (and thus Measure the Same Thing), the Less Reliable the Difference Score

The Less the Tests Are Correlated (and thus Measure Different Things), the More Reliable the Difference Score, But Harder to Interpret!
Examples

<table>
<thead>
<tr>
<th>Test A</th>
<th>Test B</th>
<th>Correlation Between Test A and B</th>
<th>Reliability of the Difference Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.90</td>
<td>0.80</td>
<td>0.80</td>
<td>0.25</td>
</tr>
<tr>
<td>0.85</td>
<td>0.80</td>
<td>0.80</td>
<td>0.125</td>
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<tr>
<td>0.90</td>
<td>0.80</td>
<td>0.70</td>
<td>0.5</td>
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<tr>
<td>0.85</td>
<td>0.80</td>
<td>0.70</td>
<td>0.42</td>
</tr>
<tr>
<td>0.80</td>
<td>0.80</td>
<td>0.50</td>
<td>0.6</td>
</tr>
</tbody>
</table>


Psychometrically Flawed Morally Wrong

Area A:
Students with severe reading problems SLD Eligible

AVERAGE READERS

Area B:
AVERAGE READERS

The “Only” Argument

A variety of assessment tools and strategies must be used [34 CFR 300.304(b)(1)]

No single measure or assessment may be used as the sole criterion for making a disability determination and for determining an appropriate educational program [34 CFR 300.304(b)(2)]

Bottom Line….

Students with High Cognitive Ability Scores Who Can Read Are 20x More Likely to Be Identified As SLD than Students with Low Cognitive Ability Who CAN’T Read!
Let’s Review Use of Existing Evaluation Data
(34 CFR 300.305)

(a) Review of existing evaluation data. As part of an initial (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must –

(1) Review existing evaluation data on the child, including –
   (i) Evaluations and information provided by the parents of the child;
   (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and
   (iii) Observation by teachers and related services providers; and

(2) On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine –
   (i) Whether the child is a child with a disability, and the educational needs of the child;

The “Comprehensive” Argument
Under 34 CFR 300.301, the public agency must conduct a full and individual evaluation
Under 34 CFR 300.304, the public agency must ensure:
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 CFR 300.304(c)(4)]
The evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs [34 CFR 300.304(c)(6)]
Meaning? What constitutes a “comprehensive” evaluation is determined on an individual basis in accordance with a student’s needs!

The “Cognitive” Argument
“The Department does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions. …In many cases, assessments of cognitive processes simply add to the testing burden and do not contribute to interventions…”
(Federal Register, vol. 72, no. 156, p.46651)

Alabama Regulations
Almost Business As Usual...
We Can Use the Same Tests, Think the Same Way, and Not Change a Darn Thing About How We Do Business
Alternate Methods (PSW)

Analysis ANY Patterns of Strengths and Weaknesses is Evaluated Using a Mnemonic for Interpreting Difference Scores...

**RUM**

The More Comparisons You Make...

Even with highly reliable difference scores, some comparisons will be chance!

10 tests or subtest comparisons yield 45 difference scores. If we wanted to have difference scores beyond chance (e.g., 9 times out of 10), then 4 or 5 would be predicted by chance.

20 tests or subtest comparisons yield 190 difference scores. If we wanted to have difference scores beyond chance (e.g., 9 times out of 10), then 18 would be predicted by chance.

30 tests or subtest comparisons yield 435 difference scores. If we wanted to have difference scores beyond chance (e.g., 9 times out of 10), then 18 would be predicted by chance.

With LESS reliable difference scores, the more likely “significant patterns” would be chance.

To Judge You Need

- Information on Each Test’s Reliability
- Information on the Intercorrelation Between the Two Tests
- A Basis for Computing Difference Score Reliability (Use Marley Watkin’s software)
  

Unusual

Anytime a Feature is used to “diagnose” it should have three features...

1. Not many persons have “it.”
2. Universality: Only those persons with it (e.g., SLD) have it.
3. Specificity: Those persons without it (e.g., not SLD) don’t have it.
Questions About SLD and PSW

- What Exactly are the SPECIFIC PATTERNS Used in SLD Identification or Are Any Significant Differences OK?
- What % of the Total Population Show This Specific Pattern?
- What % of the SLD Show This Specific Pattern (It Should Be Close to 100%)?
- What % of the Non-SLD Show This Specific Pattern (It Should Be Close to 0%)?

Meaningful

- The Results “Mean Something” and You Can Use Them
- If the Differences aren’t Reliable, You Can’t Get Here
- If the Differences ARE Reliable, You Need to Know What They Mean
- For example, the student’s pattern shows a strength in “Long Term Retrieval” and “Auditory Processing”

The Processing Argument

Federal Definition of Specific Learning Disabilities (34 CFR 300.8(c))

Makes reference to “a disorder in one or more of the basic psychological processes”

But, federal regulations at 34 CFR 300.307 – 300.311 (Additional Procedures for Identifying Children with Specific Learning Disabilities) do not require assessment of psychological or cognitive processing, nor do they require assessment of intellectual ability

The Leads to Intervention Argument

Scientific evidence does not justify practitioners’ use of cognitively focused instruction to accelerate the academic progress of low-performing children with or without apparent cognitive deficits and an SLD label.

At the same time, research does not support “shutting the door” on the possibility that cognitively focused interventions may eventually prove useful to chronically nonresponsive students in rigorous efficacy trials.

**Bottom Line…**

If You Keep Comparing Pairs of Scores, You Can Find Any Student Eligible!

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**RUM Summary and Comparison**

<table>
<thead>
<tr>
<th>Method</th>
<th>Ab-Ach Discrepancy</th>
<th>PSW</th>
<th>Achievement Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reliable</td>
<td>Troublesome, Especially at the Subtest Level</td>
<td>Specific Patterns Rarely Identified; Intra-Individual Differences Not Typically Reliable</td>
<td>Inter-Individual Differences are Reliable</td>
</tr>
<tr>
<td>Unusual</td>
<td>Can Be</td>
<td>Unknown; Specific Patterns Rarely Identified; and Data on Prevalence, Universality, and Specificity Not Published</td>
<td>Can be defined. For example, achievement below the 10th percentile is unusual</td>
</tr>
<tr>
<td>Meaningful</td>
<td>Biased Against Severely Low Readers, Not Linked to Intervention</td>
<td>??</td>
<td>Students with severe achievement deficits are at high risk for school dropout and life challenges</td>
</tr>
<tr>
<td>Type of Thinking</td>
<td>Old</td>
<td>Old</td>
<td>New</td>
</tr>
</tbody>
</table>

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**Alabama RtI**

**Response to Intervention Option**

1. Instructional Strategies used and student-centered data collected.
2. Documentation that the child’s parents were notified:
   (i) Amount and nature of student performance data that would be collected and the general education services that would be provided.
   (ii) Strategies for increasing the child’s rate of learning.
   (iii) Parent’s right to request an evaluation.

The Bad News…Pretty Vague
The Good News? Pretty Vague! Let’s Build It “Right!”

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**Let’s NOT Build It Like Pre-Referral Intervention (PRI)**

Referral Driven Practices and Long Forms with Funny Questions (Last Two Things, Strengths and Weaknesses)

More Meetings Than Before RTI…

More Assessment Than Before RTI…

More Teams Than Before RTI…

Separate Behavior And Academic Initiatives…

Questions Like “How Long Does a Student Have to Fail At Tier 2 Before…?”
Required RTI Changes Must

Methods to Address the Inclusionary Components
  Requires Significant Attention
Methods to Address Determinant Factors
  Requires Modest Attention
Methods to Address Exclusionary Components
  Requires Minor Attention

Doing RTI Really Well

The team uses student data collected through the RtI process to answer the following questions:

1. Does the student have a Significant Achievement Discrepancy (Educational Need)?
2. Is the student showing a Lack of Progress (Educational Benefit) given Appropriate Instruction?
3. What are the student’s Instructional Needs, the intervention provided by Special Education that would be beyond what is currently provided through general education?)?
The High School Achievement Discrepancy

Content Area Courses

Student Doing Poorly in Social Studies

In Special Education

Student Receives Alternative Social Studies with Lower Content and Reduced Expectations

Educational Need:
A Significant NORMATIVE Discrepancy
Grade 8 Example

Reading - Curriculum Based Measurement

Not Every Problem is a SE Problem!

§300.309 Determining the existence of a specific learning disability
The school must demonstrate that the student does not achieve adequately for the child’s age or to meet state-approved standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the student.

• Oral expression;
• Listening comprehension;
• Written expression;
• Basic reading skill;
• Reading fluency skills;
• Reading comprehension;
• Mathematics calculation;
• Mathematics problem solving.

The Discrepancy is in Basic Skills That Require Intervention

Content Area Courses

Student Doing Poorly in Social Studies

Tier 3 or Special Education

Intensive Basic Skills Intervention

SUPPORT

TREAT
Establishing a Standards-Based Discrepancy

**End of Grade 6 Proficiency (50th Percentile)**

*If a Student Reading Grade 6 < 160 WRC, Consider Tier 3*

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### Measuring the Achievement Discrepancy

Remember IDEA Requirements

Use technically sound instruments ...

Assessments and other evaluation materials used to assess a child under this part—... Are used for the purposes for which the assessments or measures are valid and reliable:

**Strategy 1:** Use a validated, nationally normed achievement test that is individually administered (e.g., WIAT), and set your cut score below the 5th percentile nationally.

**Strategy 2 (Mark’s Preferred Strategy):** Use Curriculum-Based Measurement, a validated, individually administered screening tool favorably reviewed by the National RTI Center and a cut score below the 10th percentile of local peers for Grades K-8 or a End-of Grade 6 (or 7) Standard for Grades 9-12
Measuring the Lack of Progress Discrepancy

Remember IDEA Requirements

Use technically sound instruments ...
Assessments and other evaluation materials used to assess a child under this part—... Are used for the purposes for which the assessments or measures are valid and reliable;

Strategy 1: Not likely a solvable Year 1 problem with assured quality. Make a good faith effort to ensure increased capacity for progress monitoring data. It’s not “anything goes” and it’s tough to do RTI without a valid progress monitoring strategy.

Strategy 2 (Mark’s Preferred Strategy): Use Curriculum-Based Measurement, a validated, individually administered progress monitoring tool favorably reviewed by the National RTI Center to determine response to intervention AND write better IEP goals and and monitor progress for students already eligible for special education.

The Big Decision:

1. Fractionated Dual Discrepancy (Different Achievement Tests for Significant Discrepancy and Lack of Progress)

2. Seamless Dual Discrepancy (Same Achievement Test, Validated for Both Purposes) that Links to IEP Goals and PM and other IDEA requirements
CBM is the GENERAL Label for a “Family” of Assessments

http://www2.ctb.com/products_services/ypp

Expedite RTI Implementation Using CBM to Write IEP Goals and Monitor Progress!

Legitimizes PM Data

Most People Don’t Like the Current Process—and for Good Reasons!

It Represents “Best Practice” for Students Who Receive SE

Consistent with the Practices that Would Determine SE Eligibility Through RTI

The Gold Standard for IEP Goals and Frequent Progress Monitoring

In 1 year, Johnny will read 60 WRC with less than 3 errors in Grade 2 Reading Passages.

Resources


Widespread Dissatisfaction with Current IEP and PM Practices

Unfortunately, the IEP process operates poorly in many places (e.g., McDonnell et al., 1997). For years, IEPs have been based on a mastery measurement framework, which creates lengthy, unmanageable documents, and onerous paperwork. These mastery measurement IEPs, with their long lists of short-term objectives, also fail to provide a basis for quantifying outcomes. For these reasons and more, IEPs promote, at best, procedural compliance without accounting for individual student learning or describing special education effectiveness.

Lynn S. Fuchs and Douglas Fuchs, Vanderbilt University Testimony to the President’s Commission on Excellence in Special Education, Progress Monitoring, Accountability, and LD Identification April 18, 2002

Legal Requirements for IEP Goal Progress Monitoring

Individualized Education Programs § 300.320 Definition of Individualized education program.

(1) A statement of the child’s present levels of academic achievement and functional performance,
(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—
(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum;
(3) A description of—
(i) How the child’s progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

One Particular Kind of Assessment (Formative) is Among the MOST Powerful “Interventions” We Have

...effective across student age, treatment duration, frequency of measurement, and special needs status

Major message is for teachers to pay attention to the formative effects of their teaching as it is this attribute of seeking (my emphasis) formative evaluation...that makes for excellence in teaching (p. 181)


Meta-Analysis of Progress Monitoring Type Illustrated by CBM

And the Number 1 Most Powerful TEACHING Variable

Contrast PM with A More Popular “Intervention”

Individualized Instruction


Sample Observable and Measurable CBM IEP Goals

In 1 Year (Expiration of the IEP), John will

Read 115 Words Correctly (WRC) with 3 or fewer errors from a randomly selected Grade 4 Standard Reading Passage

Earn a score of greater than 35 points on a randomly selected Grade 5 Mathematics Applications Probe

Write 45 Total Words (TWW) with 40 Correct Writing Sequences (CWS) given a randomly selected story starter.

BUT, THIS TYPE OF PROGRESS MONITORING IS NOT STANDARD EDUCATIONAL PRACTICE, EVEN IN SPECIAL EDUCATION

Sample Observable and Measurable CBM IEP Goals

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How to Do a Survey Level Assessment to Write Individualized Goals

Present Level of Performance (PLOP)

Potential Goal (and PM) Material

Expected Level of Performance

Sample Observable and Measurable CBM IEP Goals

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Earn a score of greater than 35 points on a randomly selected Grade 5 Mathematics Applications Probe

Write 45 Total Words (TWW) with 40 Correct Writing Sequences (CWS) given a randomly selected story starter.
IEP Goal is Turned Into an Expected Rate of Progress on a Graph

In 34 weeks (1 year), Ginny will read 95 words read correctly with less than 3 errors from Grade 4 Reading Assessment Passages.

What Are We to Do With This?

SEAMLESS: The SAME Progress Monitoring Practices Can Be Used to Assess Student’s RTI as Part of SLD Entitlement

Catch Up to IDEA-97!

(b) Review and revision of IEPs—(1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—

(i) Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the IEP, as appropriate, to address—

(A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;
Oral Reading Synthesis....

...we believe that the flexibility and durability of CBM in reading across different measures, materials, settings, students, and situations is notable.

This flexibility and durability provide the basis for considering the development of a seamless and flexible system of progress monitoring that could be used across students of various ages and performance levels.

Such a system might allow one to follow the progress of a student from kindergarten to Grade 12, using the same measures and materials or linking measures and materials.


What May Get You Eligible for SE

Significant Discrepancy

Not Progressing with Appropriate Instruction

Annual and 3 Year Evaluation: Exiting

Performance Discrepancy

Goals That Reduces the Gap

Is the Student Still Significantly Discrepant?

If Yes, Consider Need

If Not, Revise IEP

If Not, Ensure IEP is Implemented
What Make Get You Exited from SE

Reducing the Discrepancy
Meeting or
Exceeding IEP Goal

Other IDEA Eligibility Requirements

Data-based documentation of repeated
assessments of achievement at reasonable
intervals, reflecting formal assessment of student
progress during instruction, which was provided
to the child’s parents.

Additional Procedures for SLD

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

Data that demonstrate that prior to, or as a part of,
the referral process, the child was provided
appropriate instruction in regular education settings
delivered by qualified personnel

Addressing Appropriate Instruction and
Instructional Need

Strategy 1: Business as Usual.

Strategy 2: Train at Least 1 Staff Member per School to use the no cost
Instructional Planning Form (IPF). The IPF information collected to address
Instructional Need in Inclusionary Components can also be used to help
answer the question of appropriateness of instruction. The IPF interviews
and fidelity observations should include Tier 1 (core program) and Tier 3
Intervention.

It would be desirable to have a simple Checklist of Features of Appropriate
Instruction in Reading and Mathematics to augment the IPF information.
Not Just the Student Anymore

A. DETERMINANT FACTORS [34 CFR 300.306(b)]

i. Lack of appropriate instruction in reading, including the essential components of reading instruction

ii. Lack of appropriate instruction in math

iii. Limited English Proficiency

These data examine how ALL students are responding to curriculum, interventions and instruction; how groups of students are responding; and how individual students are responding.

Additional Procedures for SLD
Exclusionary Criteria [34 CFR 300.309(a)(3)]

IEP team must determine that a student’s response to instruction is not primarily a function or result of a:

- A visual, hearing, or motor disability
- Cognitive Disability
- Emotional Disability
- Cultural factors
- Environmental or economic disadvantage

Teams must document evidence that each factor has been excluded from consideration in the screening process, or if necessary, conduct a more extensive evaluation to eliminate them from consideration.
Screening MAY Address Exclusionary Criteria

RIOT= Review, Interview, Observe, Test

Vision
- Passed V/H screening
- Parent, PE, art, & classroom teachers all report no concerns.

Hearing
- Average in math & content areas
- Teachers & parents have no concerns.

Motor
- Well liked, well adjusted
- Has friends
- No ODRs
- Interacts at appropriate times

Typically addressed using RIOT tools.

Typically addressed using disaggregated data.

Emotional Disturbance
Cultural Factors
- No concerns based on parent, teacher, and self-reports

Environment
- Economic
- No concerns based on parent, teacher, and self-reports

It must be remembered that there is nothing more difficult to plan, more doubtful of success, nor more dangerous to manage than the creation of a new system. For the initiator has the enmity of all who would profit by the preservation of the old institution and merely lukewarm defenders in those who would gain by the new ones.

Machiavelli The Prince® (1513)