

Navigating Minnesota's SLD Rule

Revisiting Old Landmarks and Orienting to New Terrain

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Eligibility of Students with Disabilities

- The information in this training does not include all there is to know
- Additional evaluation procedures found under §§ 300.300 through 300.311 of subpart D

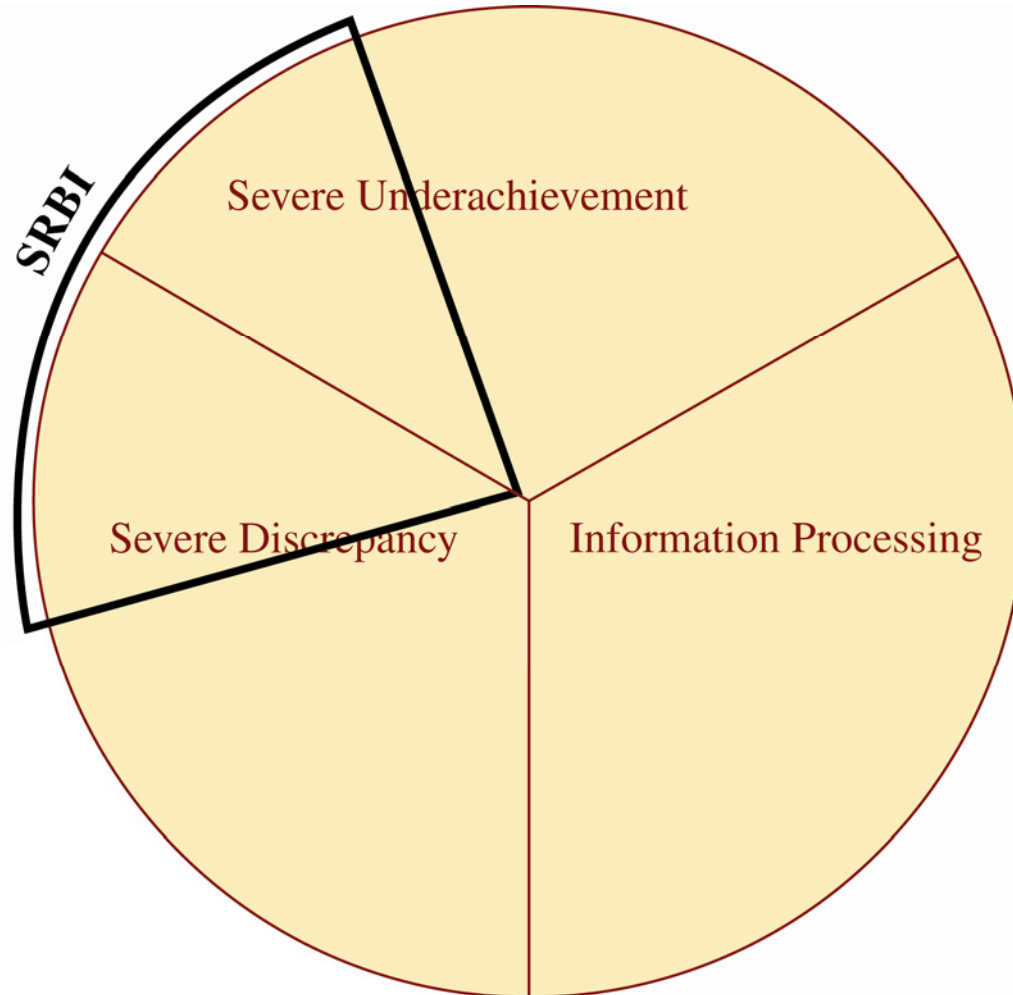
What I Know About the Revisions to SLD Eligibility would. . .

- A. be a drip from a faucet
 - B. fill a tea cup
 - C. make a bucket overflow
 - D. make the oceans rise a foot
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Major Landmarks in the SLD Rule

1. Definition
 2. Criteria
 - A. Inadequate achievement
 - B. Information processing
 - C. Severe discrepancy OR
 - D. Inadequate rate of learning while receiving research-based instruction
 3. Documenting Eligibility
 4. Written plan if using SRBI
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2. Criteria for Eligibility



2. Criteria: Option ABC

Inadequate Achievement in 1 or more of 8 areas using data from:

ii. Interventions prior to referral and a pattern of strengths and weaknesses

**Severe discrepancy
between intellectual
ability and achievement**

**Information Processing
Profile of strengths and
weaknesses in information
processing**

2. Criteria: Option ACD

Inadequate Achievement in 1 or more of 8 areas using data from not due to exclusionary factors:

i. Child's response to a system of SRBI

Response to SRBI 7 weeks or 12 data points collected using repeated measures:

- Minimal rate of improvement
- Progress not maintained
- Performance below expectation
- Achievement below 5%ile

Information Processing:

Profile of strengths and weaknesses in information processing

Why Have Dual Criteria?

- “Efforts to implement various RTI models reveal that the process typically takes years, or even decades, and is better characterized as a dynamic ongoing process, rather than an event that is complete on a given date.”

(Jimerson, Burns and VanDerHeyden, 2007)

- Accommodate situations where SRBI data may be difficult to gather.
- Use of data from alternate research-based procedure is required under IDEA

Federal Regulation 34 C.F.R § 300.309 (1)

A. Areas of Inadequate Achievement

Oral expression

Listening comprehension

Written expression

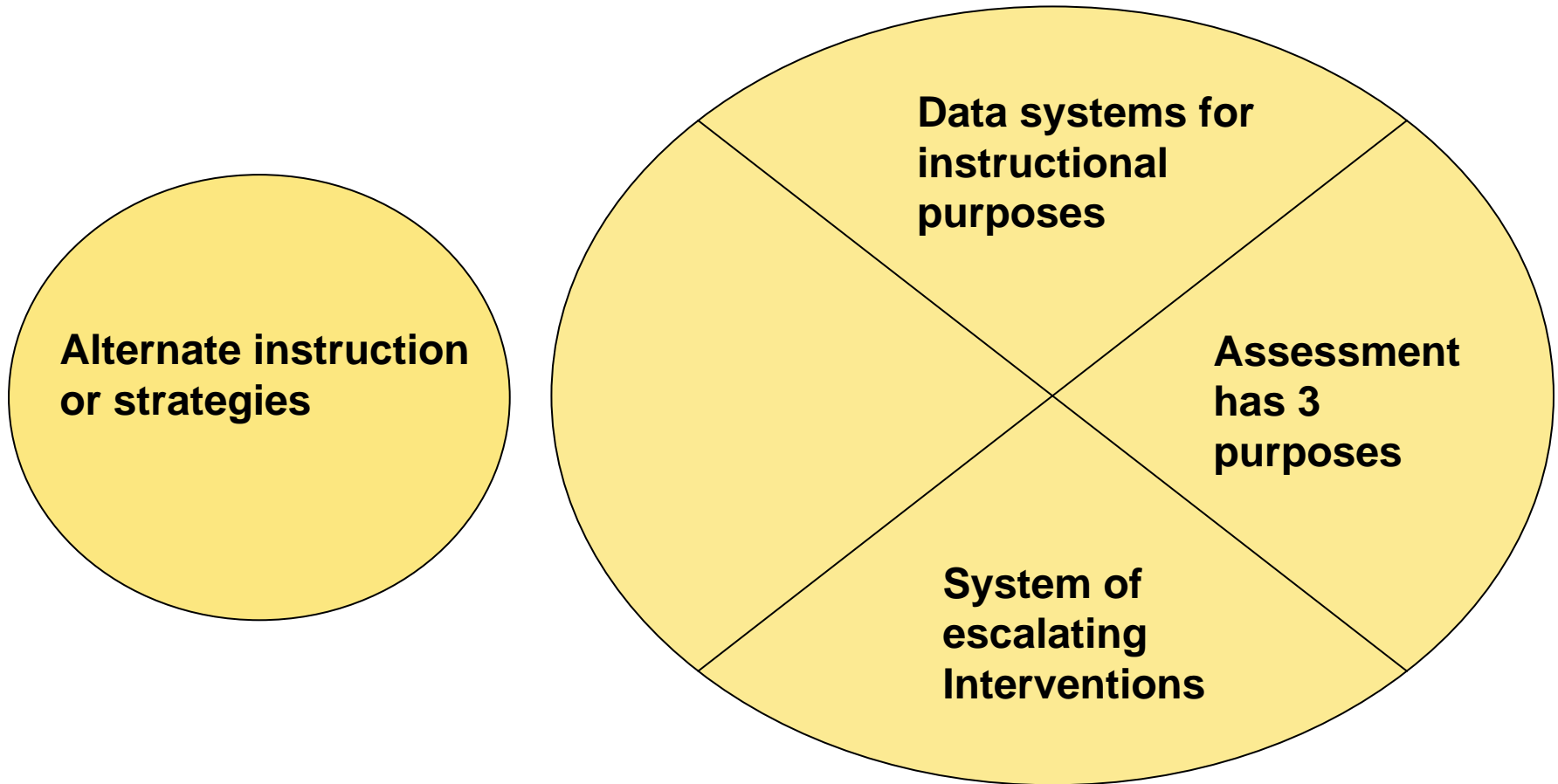
Basic reading skills, or reading comprehension,
or **reading fluency**

Math calculations or **math problem solving**

2. Alternate Interventions Required

- **MN. Statute 125A.56**—Before referral for an *evaluation*, district must conduct and document at least 2 interventions.
 - Special education team may waive the requirement
 - law must not be used to deny right to evaluation.
- **MN. Statute 120B.12**—
 - Literacy goal all students on grade level by end 2nd grade
 - Identification of all at-risk students identified by end 1st grade
 - Intervention is required, parents need to be involved
 - Staff must be trained and prepared to deliver SRBI in reading. . .

Difference Between Pre-referral and SRBI



System of SRBI Interventions (D)

A. Inadequate Achievement: Exclusions

Visual, hearing, or motor impairment

Developmental Cognitive Disability

Emotional Behavior Disorders

Limited English Proficiency

Environmental, Cultural, or Economic Influences

Lack of appropriate instruction

2. Intervention & Parent Involvement

- Parents need to be informed
- Parents are part of decision making team
 - Interventions and data to be collected
 - Informed of progress regularly
 - Parents may request evaluation at any time
 - Parents and team may extend intervention timelines with written consent
- Parent's can't choose SRBI if systems are not in place—use scientifically research-based pre-referral interventions.

Quality Parent Communication

- Why is there a need
- What is being done
- Who is doing it and is that person trained
- Is the method proven
- How will we know it is working
- What happens if it isn't working
- How can I help
- Do I feel confident in this plan



B. Information Processing

Acquisition of information

Organization

Planning and sequencing

Speed of processing

Verbal & nonverbal expression

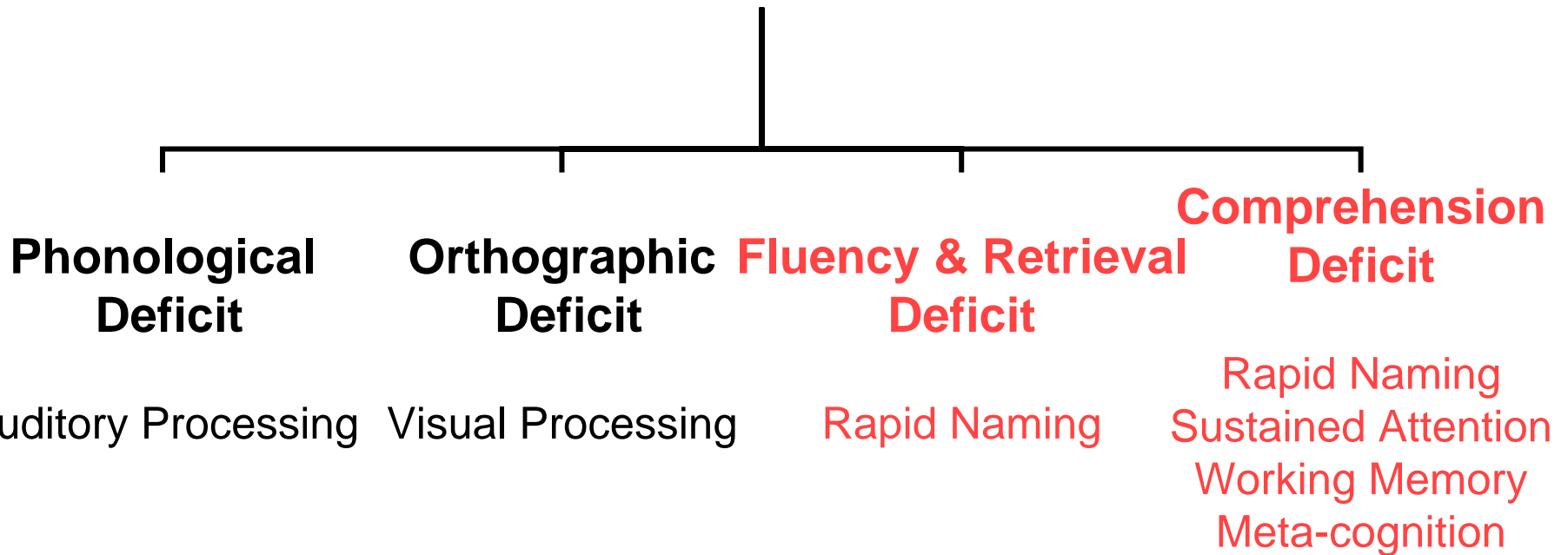
Visual and auditory processing

Working memory (including verbal, visual, spatial)

Transfer of information

Convergent Information Processing for RD

Reading Difficulty



C. Severe Discrepancy (Optional)

- Team must consider all data in its decision-- standardized tests are only one component
 - Teams with appropriate training will be allowed to use Cross-Battery for ELL students.
- Initial placement requires at minimum a 1.75 standard deviation
 - Regression formula will be revisited

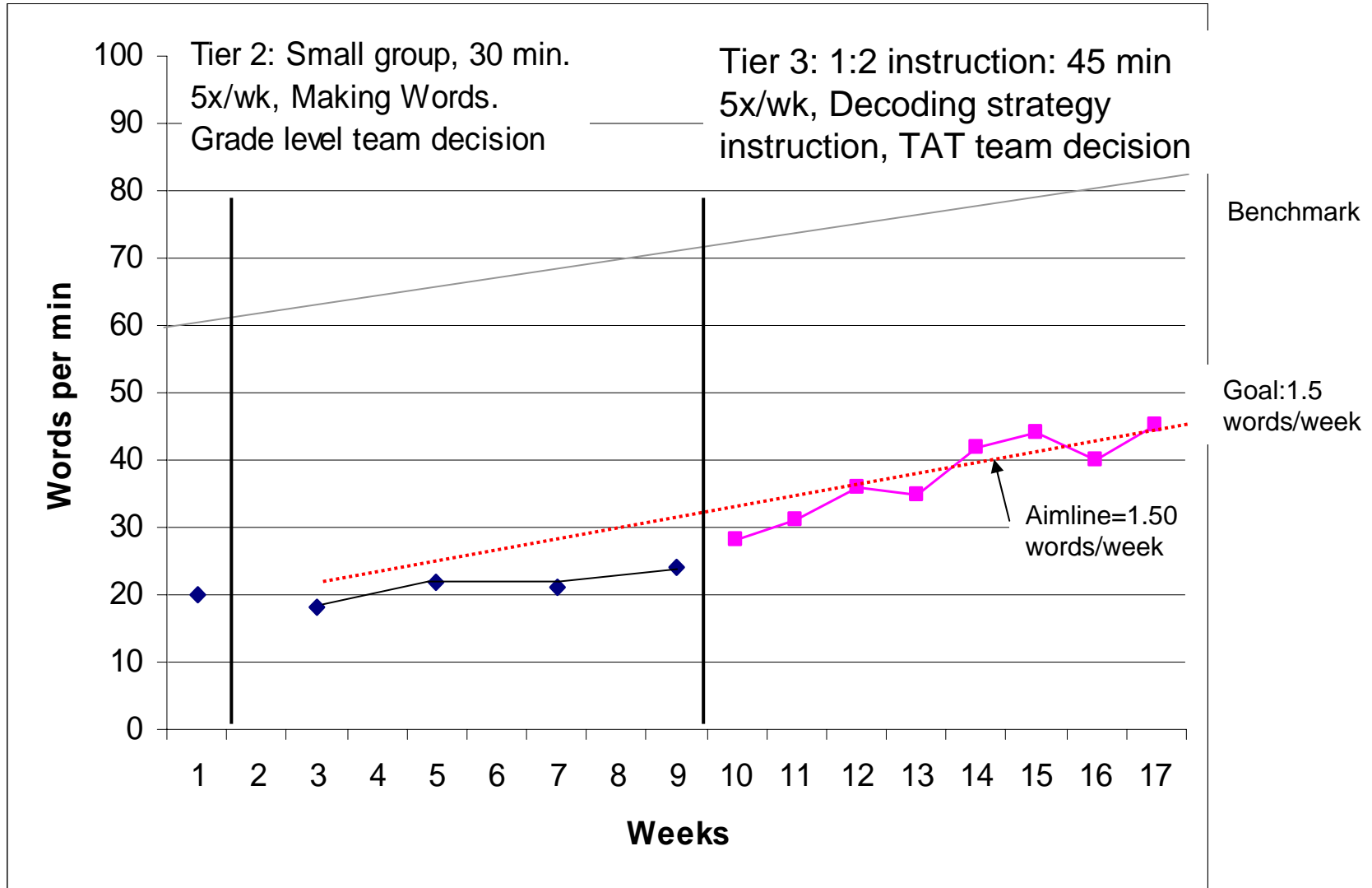
D. Scientific Research-Based Procedure-- SRBI

- Intervention prior to or as part of evaluation for Sp Ed carried out in general ed.
 - Consistent implementation of intervention by trained staff over 7 weeks or 12 data points
 - Repeated measures indicate effectiveness
- Applies to 8 areas of under achievement
 - Some areas have stronger & more sensitive measures

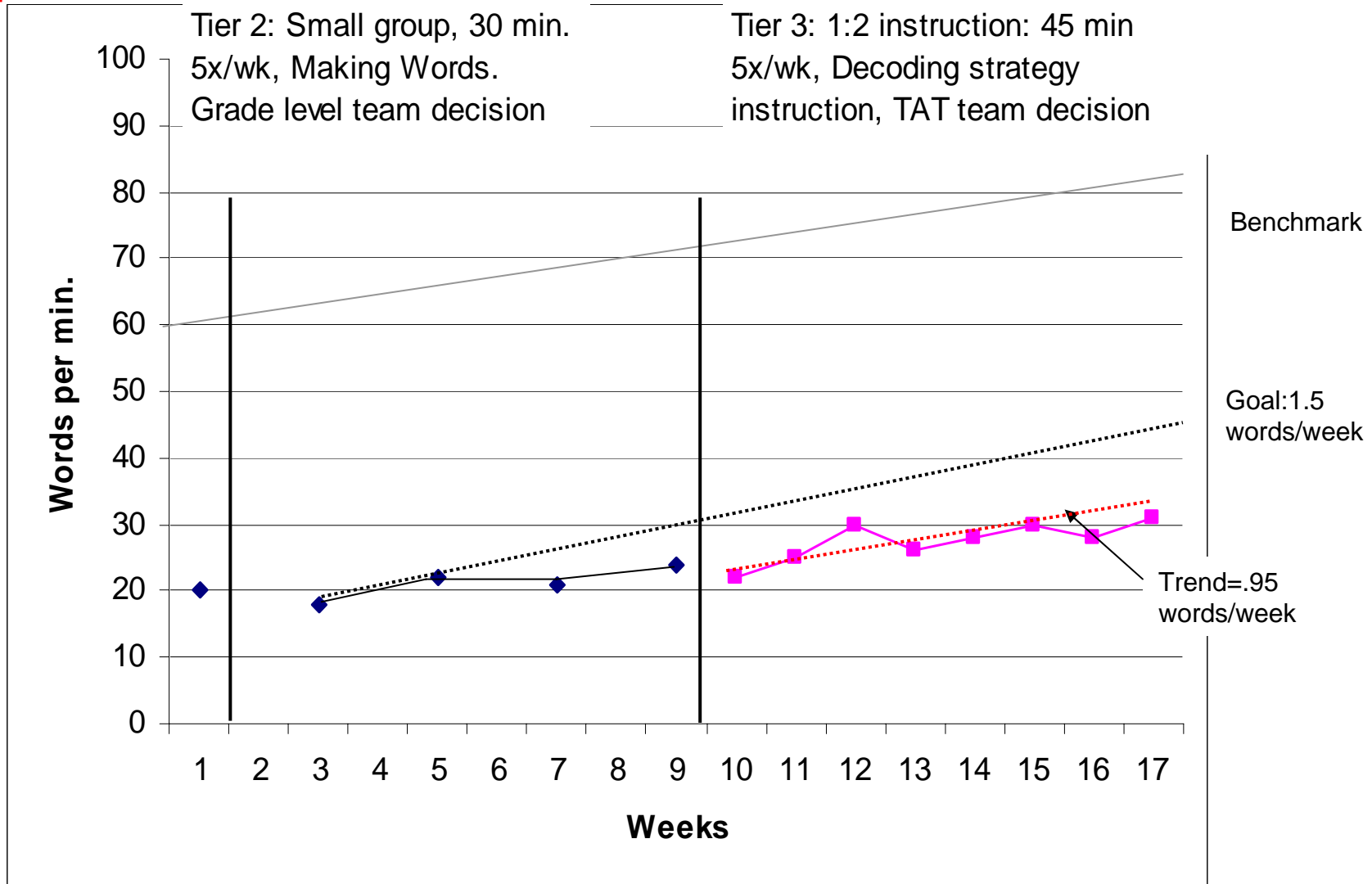
D. Scientific Research-Based Procedure--SRBI

- Response defined as:
 - Minimal rate of learning,
 - Inability to maintain
 - Lack of achievement below grade-level expectations on repeated assess,
 - Achievement at or below 5th %ile on one or more achievement tests
 - State or national comparisons OR
 - Valid and reliable local comparison data

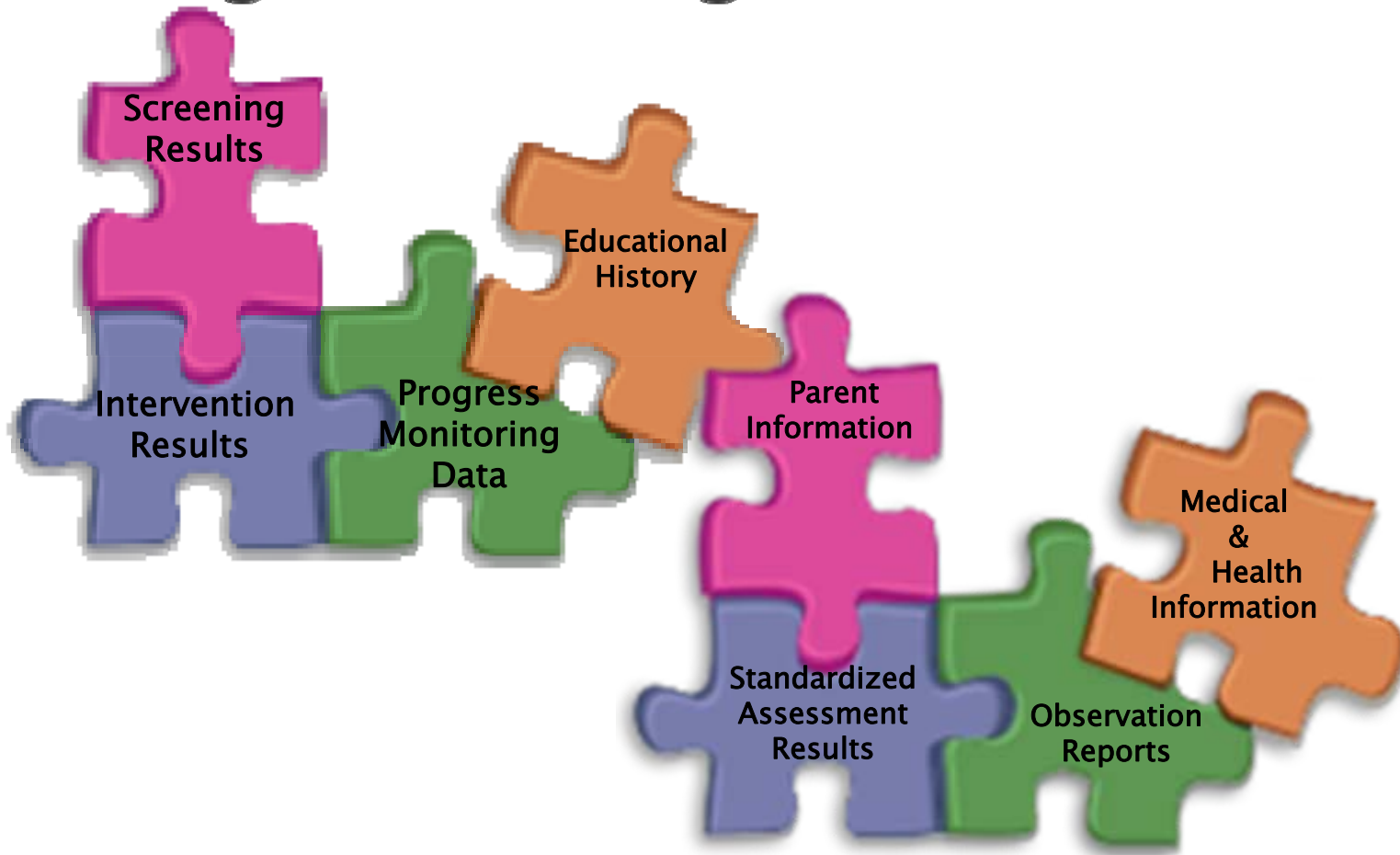
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Putting It All Together...



3. Documentation of SLD Eligibility

- ✓ Observation of child in classroom documenting academic performance and behavior in areas of difficulty
 - ✓ During routine class instruction before referral
 - ✓ Observation of academic performance after referral
 - ✓ Document relevant behavior that impacts academic functioning
- Federal Regulation 34 C.F.R. § 300.311
- ✓ Statement of whether child has a disability
 - ✓ Whether child meets items in criteria with statement of which criteria were used

3. Documentation of SLD Eligibility

- ✓ Basis for making determination
 - ✓ Disorder in information processing across multiple settings as documented by a variety of sources
 - ✓ Including aptitude & achievement tests, parent input, teacher recommendations, as well as information about child's physical condition, socio-cultural background, and adaptive behavior.
 - ✓ Underachievement is not due to exclusionary factors & verified by:
 - ✓ Data indicating child was provided appropriate instruction in general education with qualified staff
 - ✓ Repeated assessment data reflecting child's progress, which was provided to parents
- ✓ Federal Regulation 34 C.F.R. § 300.311

3. Documentation of SLD Eligibility

When SRBI is used:

- Child’s response to SRBI
- Instructional strategies used
- Child-centered data
- Parent notification of state policies on data to be collected and services provided
- Strategies for increasing child’s rate of learning
- Parent’s right to request an evaluation

4. Verification

- Each group member certifies that the report reflects the member's conclusion
 - When a member disagrees a separate statement presenting his/her conclusion is attached
 - When SRBI procedure is used, district has filed a written plan with the Total Special Education System (TSES)
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Answers to Communicate to Stakeholders

What is our district/school approach to RTI?

What grade levels are covered?

What content areas (reading, math, etc...)?

What are the interventions that are used? How many at each grade level?

Who is involved?

How are decisions made?

How are they communicated?

Is there a plan to “scale-up” implementation?

Re-evaluations

- Students don't have to meet initial criteria
 - Demonstrate continuing need
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Resources

- National Association of State Directors of Special Education (NASDSE) (2005). Response to intervention: *Policy considerations and implementation*. Available from NASDSE Publications at www.nasdse.org
 - National Center for Research on Learning Disabilities (NCRLD) Toolkit on RTI at www.nrclid.org
 - Minnesota Department of Education- Special Education Policy Division website at education.state.mn.us
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Citations

- Coleman, M.; Buysse, V.; Neitzel, J. (2006). Recognition & Response: An Early Intervening System for Young Children At-Risk for Learning Disabilities.
- http://www.ncld.org/images/stories/downloads/recog_response/2006fpgsynthesis_recognitionandresponse.pdf
- Hale, J. & Fiorello, C. (2004). *Neuropsychology: A practitioner's Handbook*. Guilford Press.