Navigating Minnesota’s SLD Rule

Orienting to New Terrain and Revisiting Old Landmarks

Victoria Weinberg Ph.D., SLD Specialist
Special Education Policy Division
Minnesota Department of Education
Vicki.weinberg@state.mn.us
Goal for Today

• See the big picture
• We are talking to--All Ed. about All Kids
• This is a process that is evolving
• Focus on the functions not the titles
Framework for Presentation

Changes in Activities Prior to Special Education Evaluation
• Pre-referral interventions
• Systems of SRBI

Changes in SLD Criteria
• Data used in making eligibility decisions
• Criteria for the SLD eligibility decision
• Odds & ends

What it Can Look Like
What’s New About Pre-referral?

• District must conduct and document
• 2 scientific research-based interventions or instructional strategies
• In academics or behavior
• Prior to referral for special education
• Parent or team may waive the requirement if the need is urgent

Minnesota Statute 125A.56
Cale:

- 2nd: 1:5, 30 min. 3x/wk, decoding/encoding, listening comprehension
- 3rd: 1:3 instruction, 45 min. 5x/wk, decoding instruction with intensive practice

Benchmark
Goal: 1.5 words/week
Aimline=1.50 words/week
Sara:

2nd: Small group, 30 min. 5x/wk, Making Words.
Grade level team decision

3rd: 1:2 instruction: 45 min 5x/wk, Decoding strategy instruction,
TAT team decision

Trend=.95 words/week

Benchmark

Goal: 1.5 words/week

Trend=.95 words/week

Weekly Words per min.
What is the difference between pre-referral and systems of scientific research-based interventions (SRBI)?
Comparison of Methods

Pre-referral

- Parent or staff raises concerns about a student’s performance.
- Should we request interventions to improve performance?
- Parent and pre-referral team identify the student needs.

Criteria for both ABC and ABD routes in Yellow / Green

Systems of SRBI

- Use valid and reliable measures to benchmark performance 3x/year.
- Who needs intervention?
- Verify screening data and select student for intervention.
- What is the data indicating? What research-based strategies or interventions should we use?
Comparison of Methods

Verify needs, data, and instructional strategies or interventions with parent.

Should we move forward with an evaluation for Special Education?

Match interventions to student needs.

Develop Intervention Plan.

Implement instructional strategies or interventions.

Monitor progress using valid and reliable measures.

Send data to parents regularly.

What is the data indicating?

Follow decision rules established in pre-referral intervention plan.

Follow decision rules as outlined in district system of SRBI (TSES) plan.

Draft from revised SLD manual
Comparison of Methods

Consider request for comprehensive evaluation.

Should we modify the instructional strategy or interventions?

Review data and gather additional data relevant for describing learning problem.

Modify intervention plan and faithfully implement.

Monitor progress.

Is student improving? Do we suspect a disability?

Observe and document performance.

Gain consent for comprehensive evaluation, develop hypothesis of disability and design evaluation plan.

Note: Determine which criteria will be used in eligibility decision.
- To use criteria ABD, systems must be fully implemented and defined in the TSES plan.
- Use Criteria ABC when systems of SRBI are not fully implemented or specifications for ABD are lacking.
- Teams may consider data from ABC and D on a case-by-case basis as long as systems of SRBI are in place.
Shared Similarities

- Interventions or instructional strategies are research-based
- Matched to student needs
- Flex with dosage, frequency, and intensity
- Progress is regularly monitored
- Data reviewed regularly to determine next steps
Significant Differences

Pre-referral
✓ Data can inform professional judgment but can’t be used to meet criteria D
✓ Parent can request school use

System of SRBI
✓ Data **can be used** as one component of **SLD eligibility** criteria
✓ Parent **cannot** request
✓ **System requirements in place** prior to using for eligibility determinations
Decisions Required to Use Criteria D

District Level Decisions

Active Coordination

Systems
- Conceptual model
- Training & coaching
- Implementation teams
- Data systems

Data
- Screening/ progress monitoring tools & procedures
- Data-decision rules
- Fidelity/integrity
- Readiness to use data in eligibility

Continuum of SRBIs
- Criteria for selecting SRBIs
- Problem solving process
- Levels of support and groups included
- Alignment with standards
School Level Decisions

Active Coordination

Systems
- Readiness to & implementation of Systems of SRBI
- Training & coaching
- Communication with parents

Data
- Screening/ progress monitoring tools & procedures
- Implementation of data-decision rules
- Fidelity/integrity of data

Continuum of SRBIs
- Assigning students to levels of support
- Implement SRBI practices with fidelity
- Culturally responsive practices

Decisions Required to Use Criteria D
Decisions Required to Use Criteria D

Team Level Decisions

Active Coordination

**Systems**
- Communication with parents

**Data**
- Data meets threshold for Criteria ABD
- Adequate documentation available to address rule-outs
- Intervention and data collection meet fidelity requirements

**Continuum of SRBIs**
- Core instruction was appropriate in reading & math
- Intervention matched to:
  - scope of need
  - identified skill deficit
  - Culturally responsive
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 special education evaluation at any time
  – Parents and team may extend intervention timelines with written consent
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
  – Data collected, etc.
• What happens if it isn’t working
• How can I help
• Do I feel confident in this plan
Metaphor for Implementation of New Criteria
Part 2: Review of SLD Criteria

Using Data from RtI/System of Scientific Research-Based Interventions (SRBI) in Determining Eligibility
Major Landmarks in the SLD Rule

1. Definition—C

2. Criteria—C
   - A. Inadequate achievement
   - B. Information processing
   - C. Severe discrepancy OR
   - D. Inadequate rate of learning while receiving research-based instruction

3. Documenting Eligibility—Choice of criteria

4. District Plan for Using System
Old Criteria for Eligibility

- Severe Underachievement
- Severe Discrepancy
- Information Processing
New Criteria Gives Choice of:

- Inadequate Achievement in response to appropriate instruction.
  - In one or more of eight areas, not due to exclusionary factors.
  - Reported as a pattern of strengths and weaknesses.

- Inadequate Achievement in response to appropriate instruction.
  - In one or more of eight areas, not due to exclusionary factors.
  - Including, lack of adequate progress when using system of SRBI reporting requirements.

- Severe Discrepancy between intellectual ability and achievement.

- Basic Psychological Processing documented across multiple settings using a variety of sources.

- Inadequate Rate of Progress over 12 data points over seven weeks using repeated measures.
  - Minimal rate of improvement
  - Progress not maintained
  - Performance below expectation
  - Achievement below five percentile

- Basic Psychological Processing documented across multiple settings using a variety of sources.
A. Areas of Inadequate Achievement

New or Changed
- Reading Fluency
- Math problem solving

Unchanged
- Listening & Reading Comprehension
- Oral & Written Expression
- Basic Reading & Math skills
A. Exclusionary Criteria

Emphasis on:

- Limited English Proficiency
- Environmental, Cultural, or Economic Influences
- Lack of Appropriate Instruction in Reading & Math
- Sensory Impairments
- Developmental Cognitive Disability
- Emotional/Behavioral Disorders
Documentation for Culturally & Linguistically Diverse Learners

**Language Background – Developmental History**
- Home Language(s) Environment
- English Language Environment

**Psycho-Social Factors**
- Refugee or immigrant status
- Personality and temperament
- Acculturation/stress, mental health concerns, post-traumatic stress disorder
- Racism and bias
- Socioeconomic status

**Current Language Skills in L1 and L2**
- Speaking
- Listening
- Reading
- Writing
- Code switching

**Determination of Need for Formal Referral**
Team has sufficient evidence to rule out student difficulties as primarily attributable to cultural, linguistic, economic, or environmental issues.
Lack of Appropriate Instruction in Reading and Math

• What data indicates that the student has had:
  – Access to rigorous grade level instruction
  – Supplemental instruction aligned with grade level standards
  – Interventions robust for accelerating the rate of learning

  – Additional ideas?
A. Documenting Achievement

• Integrate multiple sources of data
  – Standardized assessments and screening measures
  – Data from repeated measures/progress monitoring
  – Interviews, record reviews, independent evaluations or tutoring

• Professional judgment of all data

• All areas of academic concern
B. Basic Psychological Processes

Required in Rule
- Multiple sources of data across multiple environments
- Data sources include:
  - Tests of aptitude & achievement
  - Parent input
  - Teacher recommendations
  - Data used to document exclusionary factors

Quality Practices
- Normative deficit linked with referral concern
- Understand how cognitive demands increase with complexity and dept of grade level standards
- Build instructional supports for skills that processing weaknesses make difficult to acquire
Quality Practices for Interpreting Basic Psychological Processing

## Updated Model of Basic Psychological Processing

<table>
<thead>
<tr>
<th>SOAREM Model</th>
<th>New Terminology</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acquisition</strong></td>
<td><strong>Input function</strong></td>
</tr>
<tr>
<td></td>
<td>• Attention</td>
</tr>
<tr>
<td></td>
<td>• orienting</td>
</tr>
<tr>
<td></td>
<td>• selective &amp; sustained attention</td>
</tr>
<tr>
<td></td>
<td>• attention span</td>
</tr>
<tr>
<td></td>
<td>• inhibitory control</td>
</tr>
<tr>
<td></td>
<td>• Speed of Processing/ (processing speed)</td>
</tr>
<tr>
<td></td>
<td>• Short-term Memory</td>
</tr>
<tr>
<td><strong>Organizing</strong></td>
<td><strong>Integrated functions</strong></td>
</tr>
<tr>
<td></td>
<td>• Executive functions, e.g., organizing, planning, self-monitoring, meta-cognition</td>
</tr>
<tr>
<td></td>
<td>o Working memory, successive, and simultaneous processing;</td>
</tr>
<tr>
<td></td>
<td>• Visual processing</td>
</tr>
<tr>
<td></td>
<td>• Orthographic processing</td>
</tr>
<tr>
<td></td>
<td>• Auditory processing</td>
</tr>
<tr>
<td></td>
<td>• Fluid reasoning</td>
</tr>
<tr>
<td></td>
<td>• Long-term Retrieval</td>
</tr>
<tr>
<td></td>
<td>• Associative Memory</td>
</tr>
<tr>
<td><strong>Storage</strong></td>
<td><strong>Output function</strong></td>
</tr>
<tr>
<td><strong>Manipulation</strong></td>
<td><strong>Integrated functions</strong></td>
</tr>
<tr>
<td><strong>Retrieval</strong></td>
<td><strong>Output function</strong></td>
</tr>
<tr>
<td><strong>Expression</strong></td>
<td><strong>Output function</strong></td>
</tr>
<tr>
<td></td>
<td>• Phonological Processing</td>
</tr>
<tr>
<td></td>
<td>o Phonological Awareness</td>
</tr>
<tr>
<td></td>
<td>o Phonological Memory</td>
</tr>
<tr>
<td></td>
<td>o Rapid Naming</td>
</tr>
<tr>
<td></td>
<td>• Morphographic processing</td>
</tr>
<tr>
<td></td>
<td>• Oral-motor production processing</td>
</tr>
<tr>
<td></td>
<td>• Motor coordination</td>
</tr>
</tbody>
</table>
## Linking Information Processing with Achievement

<table>
<thead>
<tr>
<th>Skill</th>
<th>Information Processing Ability / Stage of Development</th>
</tr>
</thead>
</table>
| Oral Language          | • Working memory  
                          • Processing speed                                                                                                    |
| Basic Reading Skills   | • Phonetic coding (Ga) phonological awareness - very important in elementary years.  
                          • Naming facility and associative memory (Glr) - 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 |
| Reading Fluency        | • Naming facility and associative memory (Glr) - very important during the elementary years.  
                          • Phonetic coding (Ga) phonological awareness - important during elementary yrs.  
                          • Perceptual speed (Gs) is important across all ages, particularly in elementary school |
C. Severe Discrepancy (Unchanged)

- Team must consider all data in its decision—standardized tests are only one component
  - Teams with appropriate training should use Cultural Language Interpretive Matrix (Ortiz) for ELL and minority populations

- Initial placement requires at minimum a 1.75 standard deviation

- Eligibility decision is not distilled down to discrepancy score
Quality Practices Applied to Reading Fluency

• Not attributable in other areas of reading
  – Accurate but poor rate & prosody

• Integrated analysis indicates
  – Lack of response to intervention
  – Accuracy within grade level expectations
  – Rate & prosody below grade level expectations
  – Achievement in spelling and comprehension not attributable to language deficits
  – Normative deficits in related areas of information processing
Quality Practices Applied to Reading Fluency

Documentation

– Summarize valid and reliable evidence
– Note which evidence is of greatest relative importance
  • accuracy, rate, prosody, IP,
– Note discrepancy from IQ and current level of performance indicated in achievement data
– Explanation for not having discrepancy score
D. Using Data from System of SRBI (New Option)

- Intervention prior to or as part of evaluation for Sp. Ed. carried out in general classroom instruction
  - Consistent implementation of intervention by trained staff over 7 weeks or 12 data points
  - Repeated measures indicate effectiveness

- Applies to 8 areas of inadequate achievement
  - Some areas have stronger & more sensitive measures
D. Using Data from System of SRBI (New)

Response defined as:

– rate of improvement minimal,
– Progress not likely maintained,
– Level of achievement on repeated assessments below grade-level expectations, and
– Level of achievement at or below 5th percentile on one or more valid and reliable achievement tests
District Level Decisions

Active Coordination

Systems
- Conceptual model
- Training & coaching
- Implementation teams
- Data systems

Data
- Screening/ progress monitoring tools & procedures
- Data-decision rules
- Fidelity/integrity
- Readiness to use data in eligibility

Continuum of SRBIs
- Criteria for selecting SRBIs
- Problem solving process
- Levels of support and groups included
- Alignment with standards
Decisions Required to Use Criteria D

School Level Decisions

Active Coordination

- Systems
  - Readiness to & implementation of Systems of SRBI
  - Training & coaching
  - Communication with parents

- Data
  - Screening/ progress monitoring tools & procedures
  - Implementation of data-decision rules
  - Fidelity/integrity of data

- Continuum of SRBIs
  - Assigning students to levels of support
  - Implement SRBI practices with fidelity
  - Culturally responsive practices
Decisions Required to Use Criteria D

Team Level Decisions

Active Coordination

Systems
- Communication with parents

Data
- Data meets threshold for Criteria ABD
- Adequate documentation available to address rule-outs
- Intervention and data collection meet fidelity requirements

Continuum of SRBIs
- Core instruction was appropriate in reading & math
- Intervention matched to:
  - Scope of need
  - Identified skill deficit
  - Culturally responsive
Factors that Influence When Data from RtI/System of SRBI Can be Used

• Evidence of valid & reliable instructional practices for Culturally and Linguistically Diverse (CLD) populations
• Parents are informed and involved
• Standard and consistent implementation of policies and procedures
• Students receive intervention as designed
Putting It All Together...

- Screening Results
- Intervention Results
- Progress Monitoring Data
- Educational History
- Parent Information
- Standardized Assessment Results
- Observation Reports
- Medical & Health Information
Steps Towards Comprehensive Evaluation

Follow Systematic Process for Problem Solving

1. Identify the instructional variables to be included in plan to address the gap.
2. Carry out the intervention as intended.
3. Evaluate the data and determine if the plan is working.
4. Identify gaps between performance and grade-level expectations.
5. Identify the instructional variables to be included in plan to address the gap.
Prior to Comprehensive Evaluation

Follow Systematic Process for Problem Solving

Student participates in first cycle of intervention (SRBI)

Student participates in second cycle of intervention (SRBI)
Within Comprehensive Evaluation

Follow Systematic Process for Problem Solving

Comprehensive evaluation is next formal cycle of problem solving

Evaluation report reflects data from previous cycles of problem solving
Refer to Draft SLD Criteria Worksheet
Potential Results of Evaluation

Document which criteria were selected and met
3. Document Results of Evaluation

RESULT A
Student does NOT have a disability.

What instruction or intervention may continue?

Differentiate instruction.

Monitor progress and adjust instruction as needed.

RESULT B
Student has and identified disorder and meets eligibility for 504.

Is a 504 plan needed?

Identify accommodations, differentiate instruction, and design 504 plan.

Monitor progress and update 504 plan as needed.

RESULT C
Student qualifies as having a disability:
• Meets initial eligibility criteria for SLD.
  OR
• Re-evaluation meets criteria for continuing need.

What are all of the needs indicated by the evaluation?

Design IEP based on all of the identified needs.

Monitor progress and adjust instruction or services as needed.
4. Verification

• When SRBI procedure is used, district has a written plan within the Total Special Education System (TSES)
  – Specific SRBI approach and SRBI used by content area
  – Timelines for progression
  – Parent notification and consent policies for participation
  – Procedures for ensuring fidelity of implementation
  – District staff training plan

• Each group member certifies that the report reflects the member’s conclusion.
Odds and Ends
Transfer Students

• Students do not have to be re-evaluated
  – Is there valid and reliable data for establishing student met state criteria upon initial evaluation?
  – What data is necessary to design effective services to meet student needs?
  – What is the evidence student no longer needs services?
Re-evaluations-Specific to SLD

• Students don’t have to meet initial criteria
  – Not required to re-do evaluations qualifying under discrepancy when system of SRBI adopted

• Demonstrate continuing need
  – Screening & progress monitoring students on IEP’s a quality practice
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
Resources


• National Center for Research on Learning Disabilities (NCRLD) Toolkit on RTI at www.nrclld.org

• Minnesota Department of Education- Special Education Policy Division website at education.state.mn.us

• CEC’s RTI Blog- http://cecblog.typepad.com/rti/
Citations

