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# Navigating Minnesota's SLD Rule

## Orienting to New Terrain and Revisiting Old Landmarks

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## 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
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# 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

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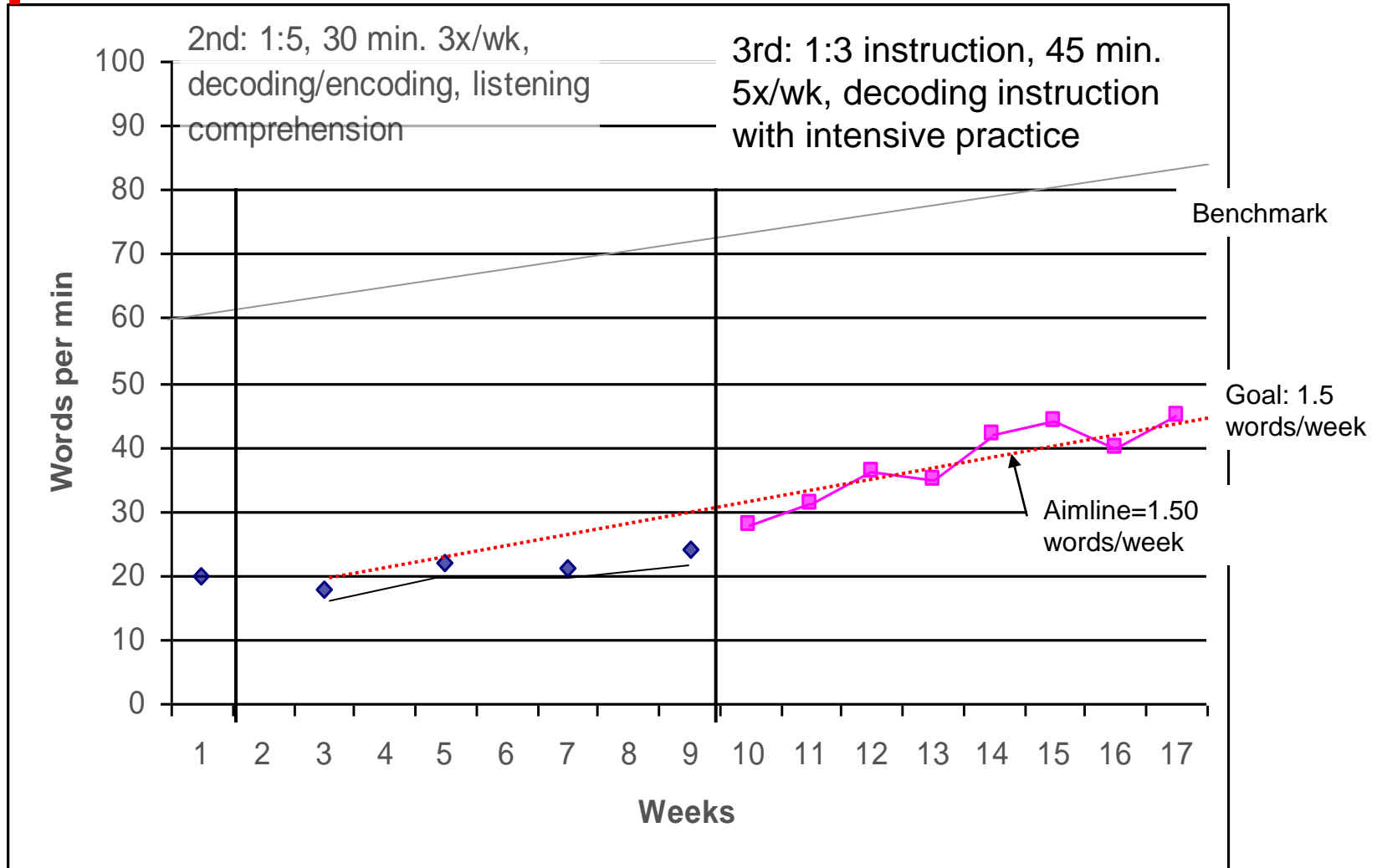
## What's New About Pre-referral?

- 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

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# Cale:



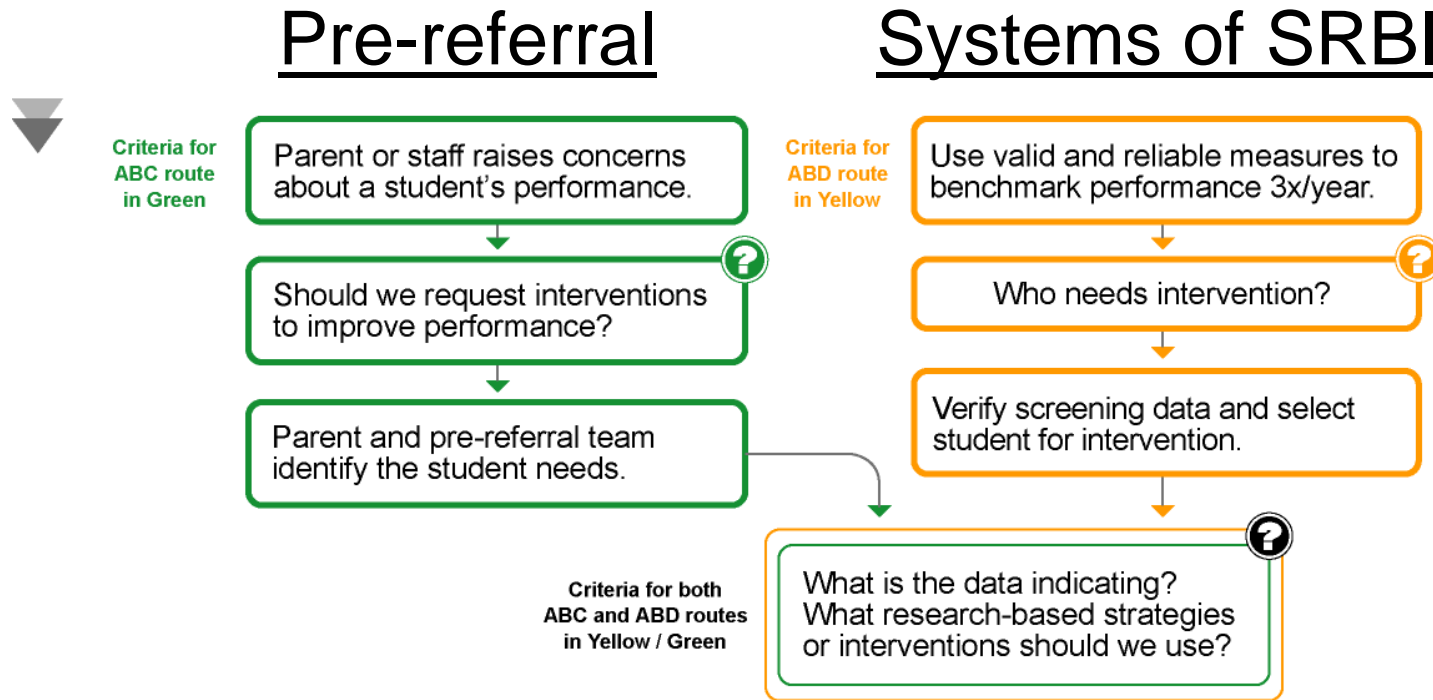
# Sara:



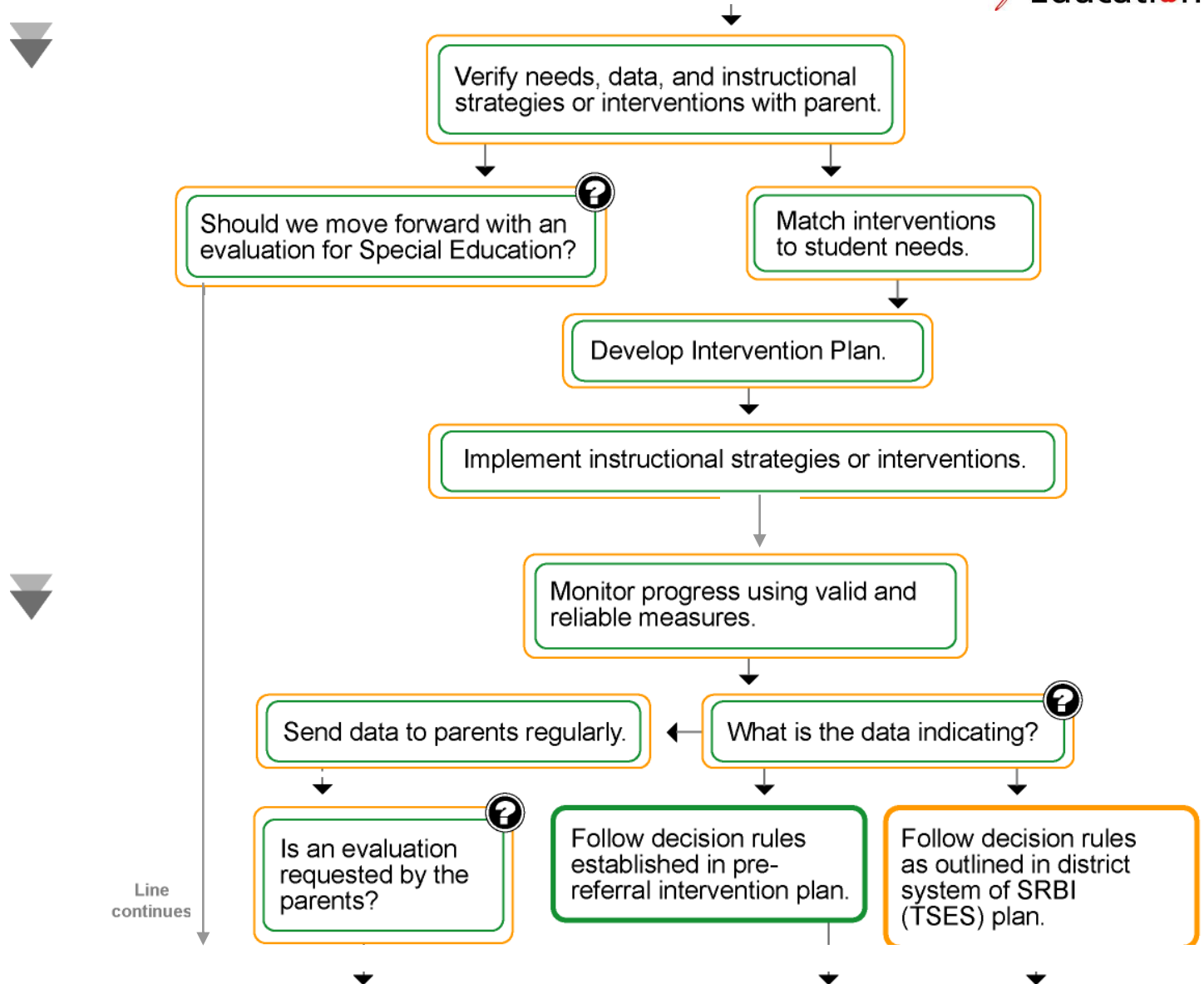
**What is the different between pre-referral and systems of scientific research-based interventions (SRBI)?**

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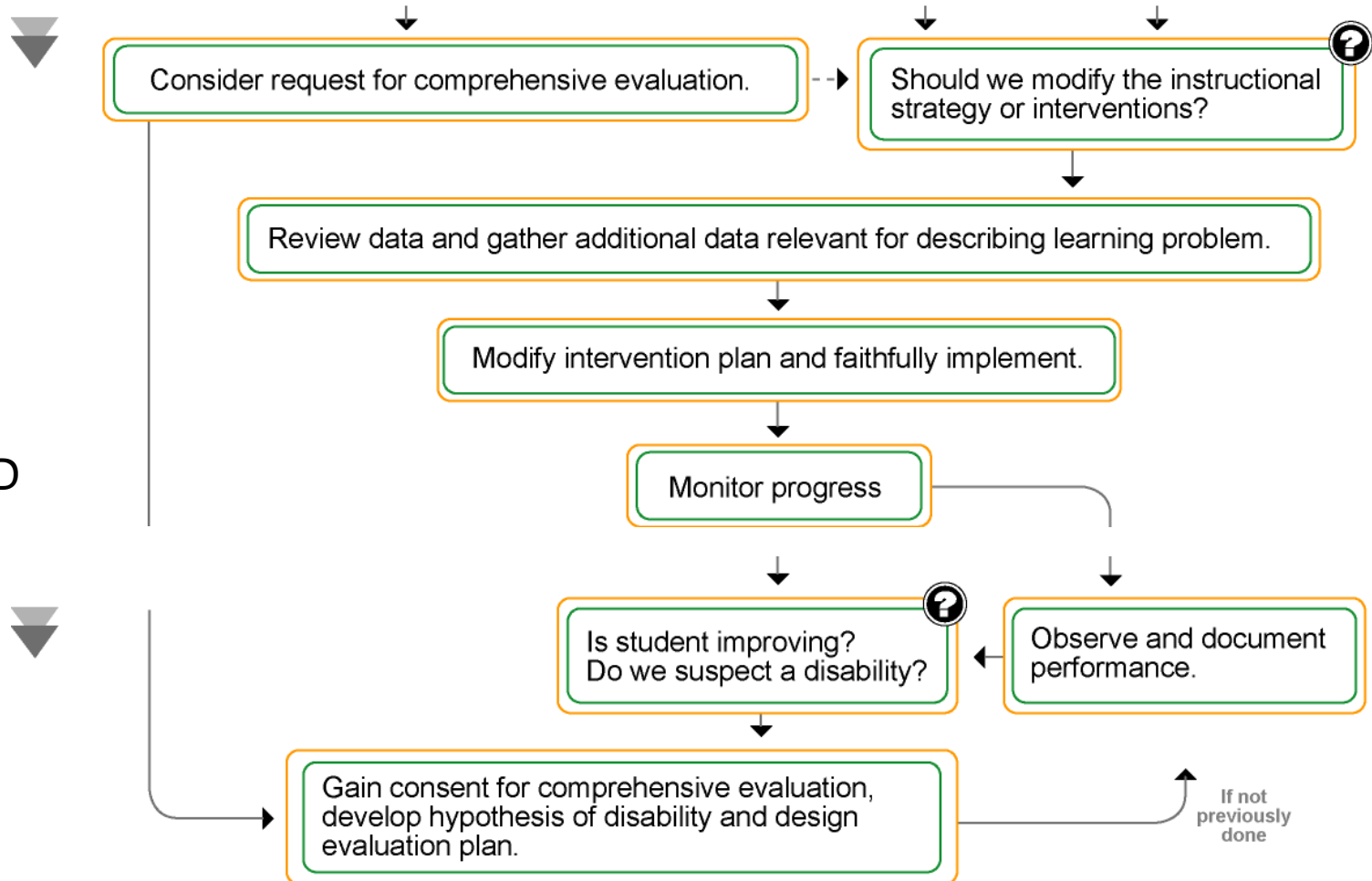
# Comparison of Methods



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# Comparison of Methods



Draft from revised SLD manual

**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.

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## 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
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# Significant Differences

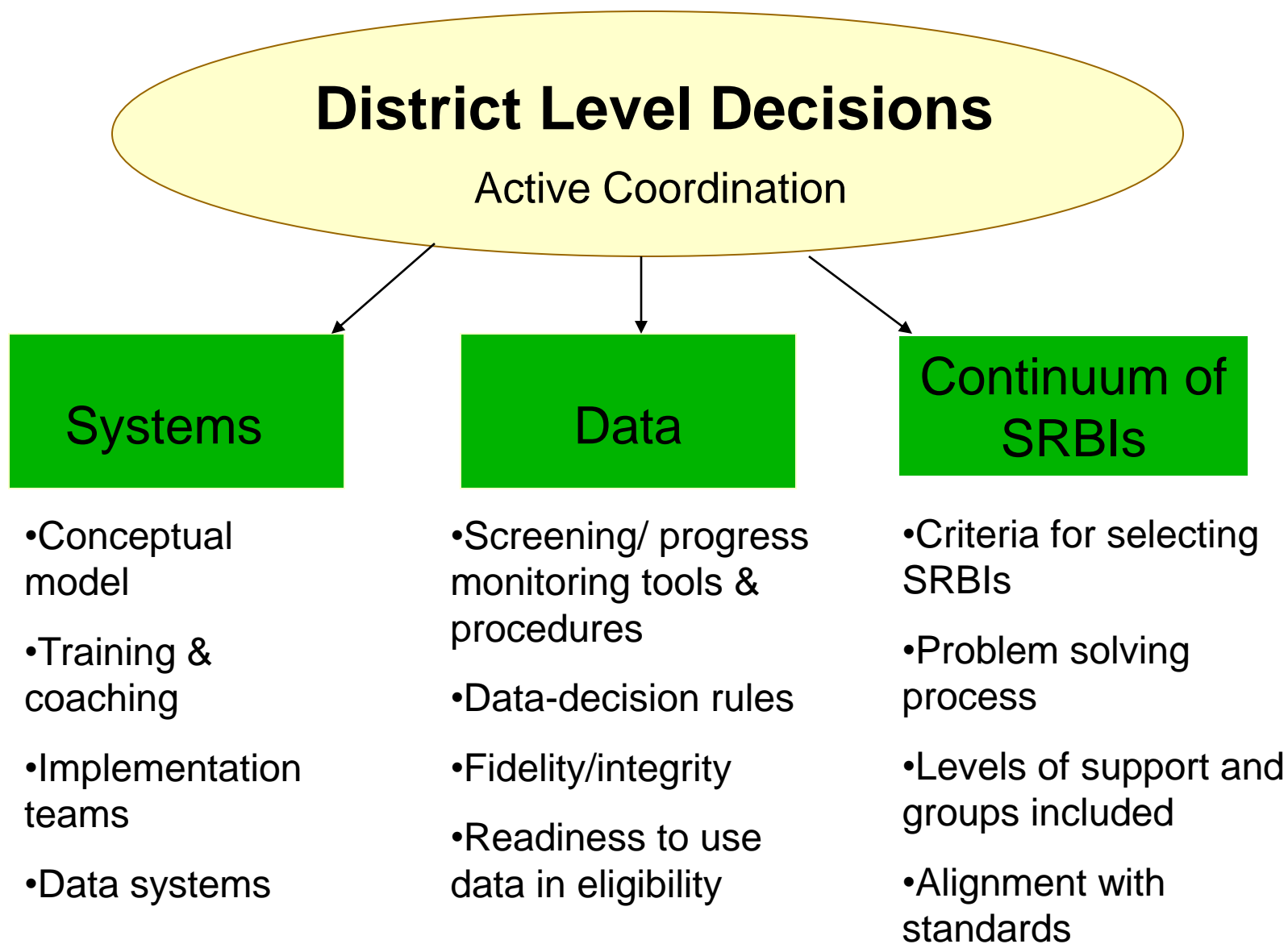
## Pre-referral

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

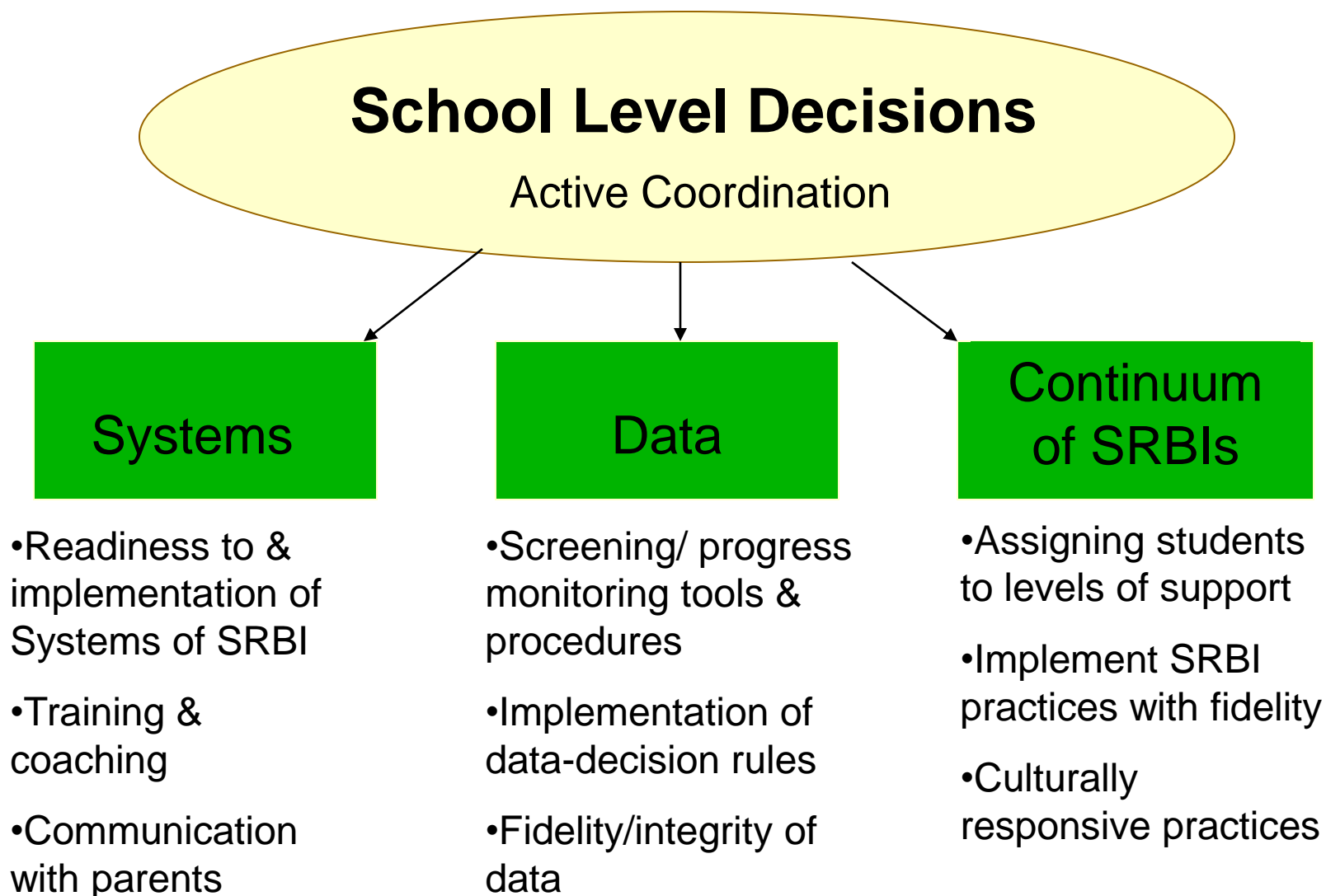
## System of SRBI

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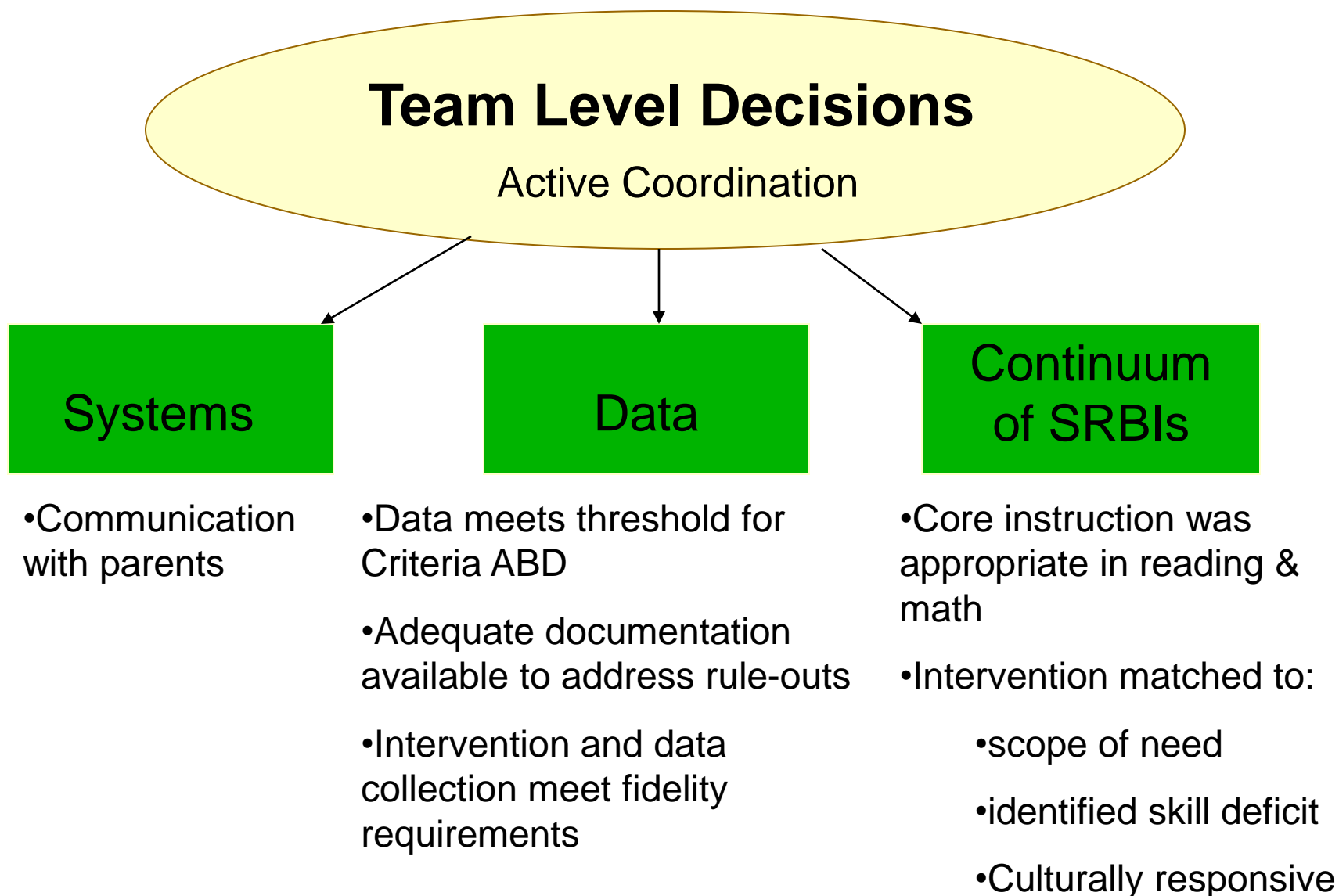
# Decisions Required to Use Criteria D



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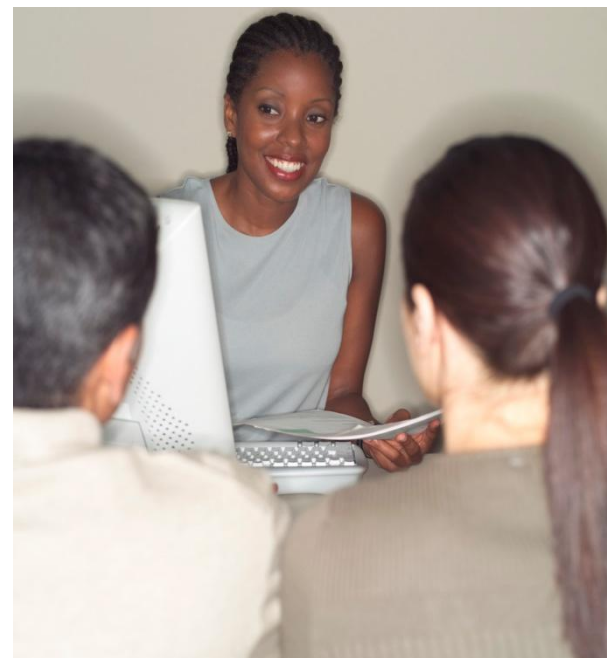
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# Intervention & Parent Involvement

- 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
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# 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 Rtl/System of  
Scientific Research-Based  
Interventions (SRBI) in  
Determining Eligibility

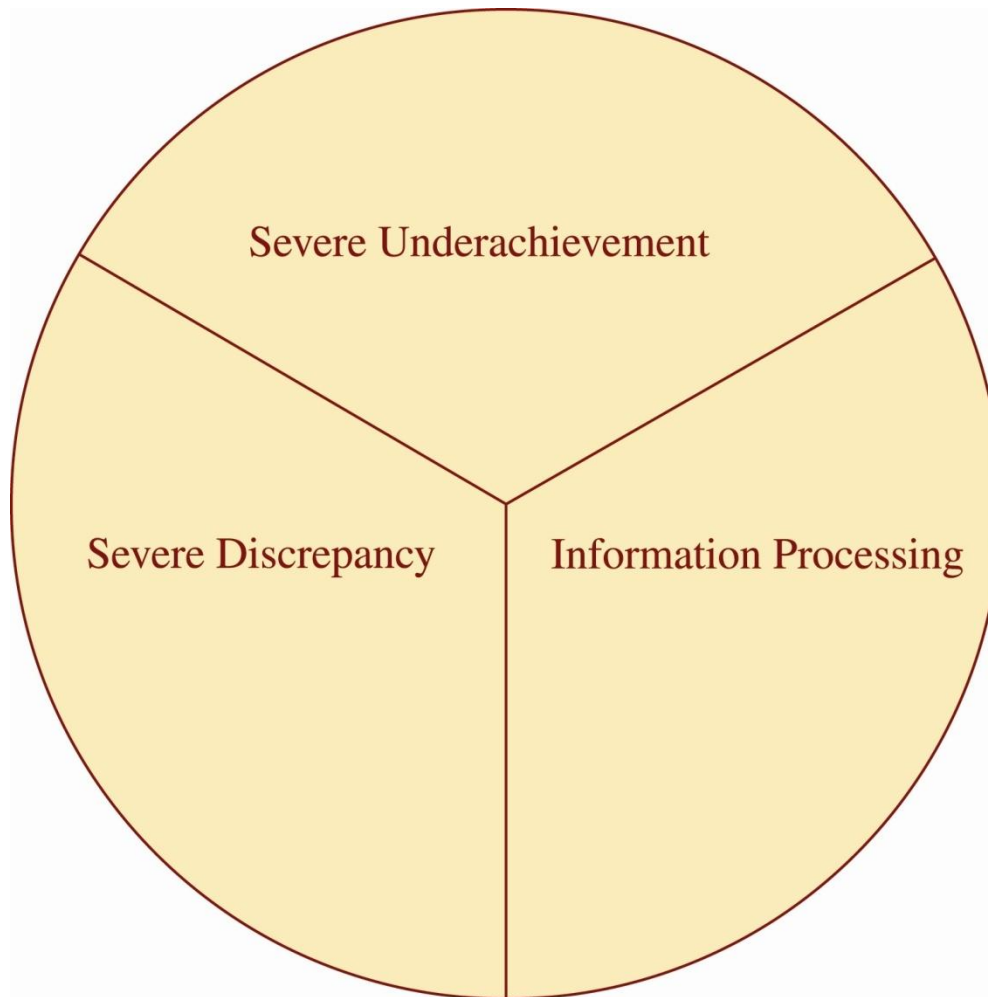
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# Major Landmarks in the SLD Rule

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
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# Old Criteria for Eligibility



# 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.

A

C

**Severe Discrepancy**  
between intellectual ability and achievement.

B

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

**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.

A

D

**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

B

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

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## A. Areas of Inadequate Achievement

### New or Changed

- Reading Fluency
- Math problem solving

### Unchanged

- Listening & Reading Comprehension
- Oral & Written Expression
- Basic Reading & Math skills

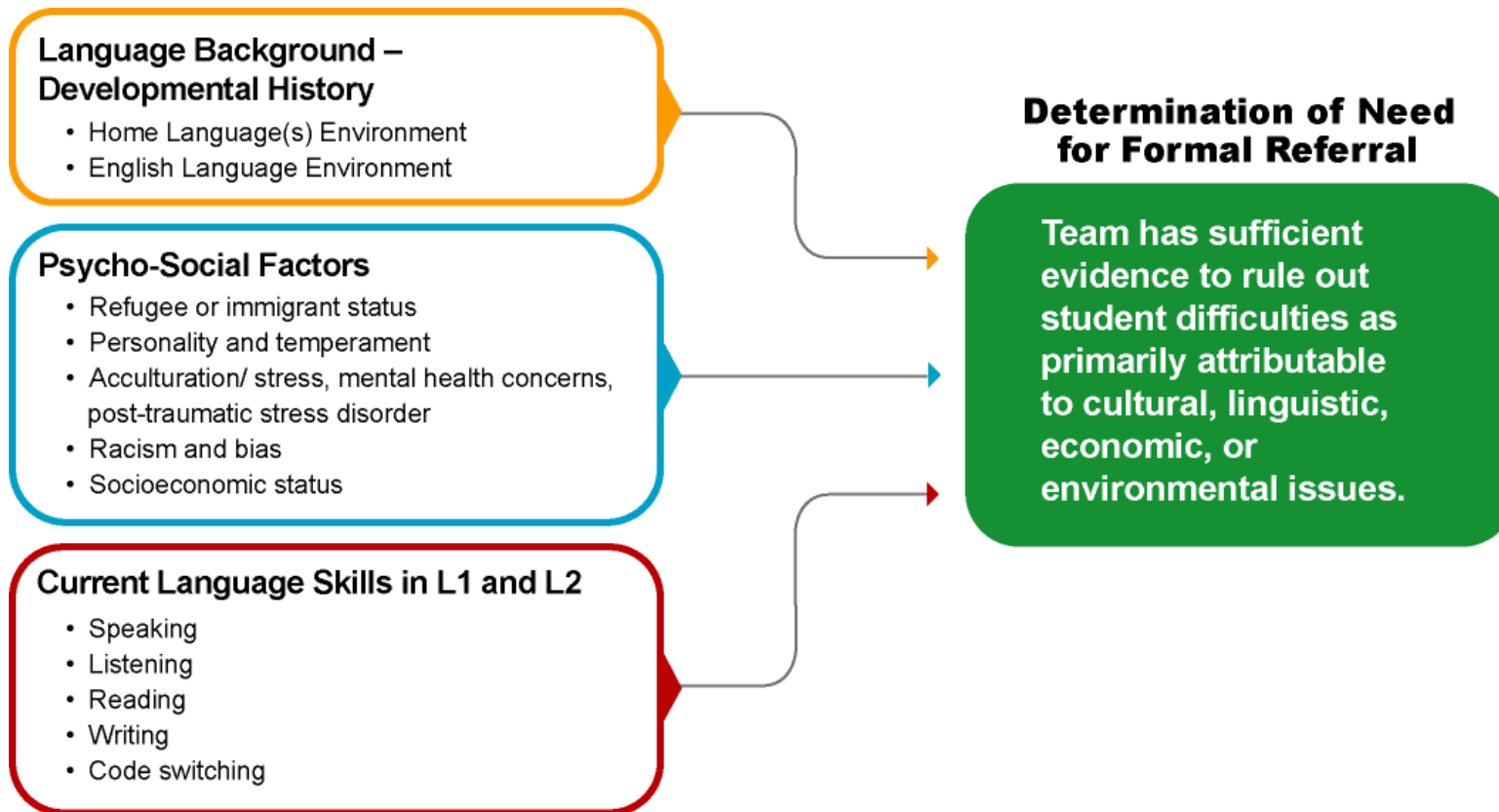
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## A. Exclusionary Criteria

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
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# Documentation for Culturally & Linguistically Diverse Learners



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# 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?
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## 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
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## B. Basic Psychological Processes

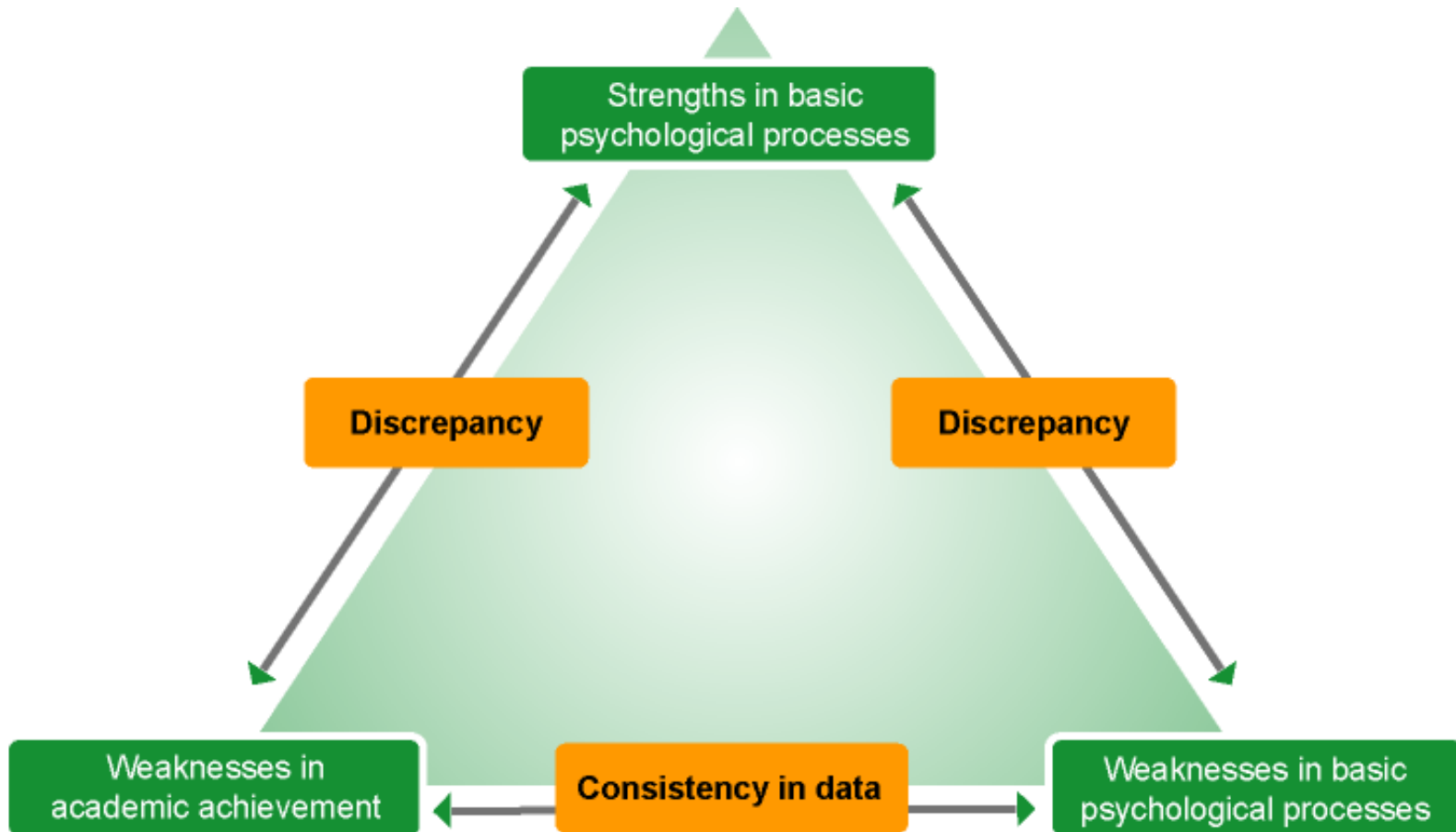
### Required in Rule

- 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
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# Quality Practices for Interpreting Basic Psychological Processing



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 IDEA 2004 Identification of Children with Specific Learning Disabilities. Communique.*

# Updated Model of Basic Psychological Processing

SOAREM Model		New Terminology
<b>Acquisition</b>	Input function	<ul style="list-style-type: none"> <li>• Attention               <ul style="list-style-type: none"> <li>▪ orienting</li> <li>▪ selective &amp; sustained attention</li> <li>▪ attention span</li> <li>▪ inhibitory control</li> </ul> </li> <li>• Speed of Processing/ (processing speed)</li> <li>• Short-term Memory</li> </ul>
<b>Organizing</b>	Integrated functions	<ul style="list-style-type: none"> <li>• Executive functions, e.g., organizing, planning, self-monitoring, meta-cognition               <ul style="list-style-type: none"> <li>○ Working memory, successive, and simultaneous processing;                   <ul style="list-style-type: none"> <li>▪ Visual processing</li> <li>▪ Orthographic processing</li> <li>▪ Auditory processing</li> </ul> </li> </ul> </li> <li>• Fluid reasoning</li> <li>• Long-term Retrieval               <ul style="list-style-type: none"> <li>▪ Associative Memory</li> </ul> </li> </ul>
<b>Storage</b>		
<b>Manipulation</b>		
<b>Retrieval</b>		
<b>Expression</b>	Output function	<ul style="list-style-type: none"> <li>• Phonological Processing               <ul style="list-style-type: none"> <li>○ Phonological Awareness</li> <li>○ Phonological Memory</li> <li>○ Rapid Naming</li> </ul> </li> <li>• Morphographic processing</li> <li>• Oral-motor production processing</li> <li>• Motor coordination</li> </ul>

# Linking Information Processing with Achievement

Skill	Information Processing Ability / Stage of Development
Oral Language	<ul style="list-style-type: none"> <li>• Working memory</li> <li>• Processing speed</li> </ul>
Basic Reading Skills	<ul style="list-style-type: none"> <li>• Phonetic coding (Ga) phonological awareness - very important in elementary years.</li> <li>• Naming facility and associative memory (Glr) - very important during elementary years.</li> <li>• Memory span (Gsm) - important, especially when evaluated within the context of working memory.</li> <li>• Perceptual speed (Gs) - important across all ages, particularly in elementary school.</li> <li>• Orthographic processing (Gv) - important especially in early elementary years. Indicated by poor visual tracking and/or motion sensitivity</li> <li>• Successive processing—(Dehn, 2006).</li> <li>• Verbal working memory - best predictor of ability to identify letters for young students</li> </ul>
<u>Reading Fluency</u>	<ul style="list-style-type: none"> <li>• Naming facility and associative memory (Glr) - very important during the elementary years</li> <li>• Phonetic coding (Ga) phonological awareness - important during elementary yrs.</li> <li>• Perceptual speed (Gs) is important across all ages, particularly in elementary school</li> </ul>

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## 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
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# 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
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# 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
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## 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
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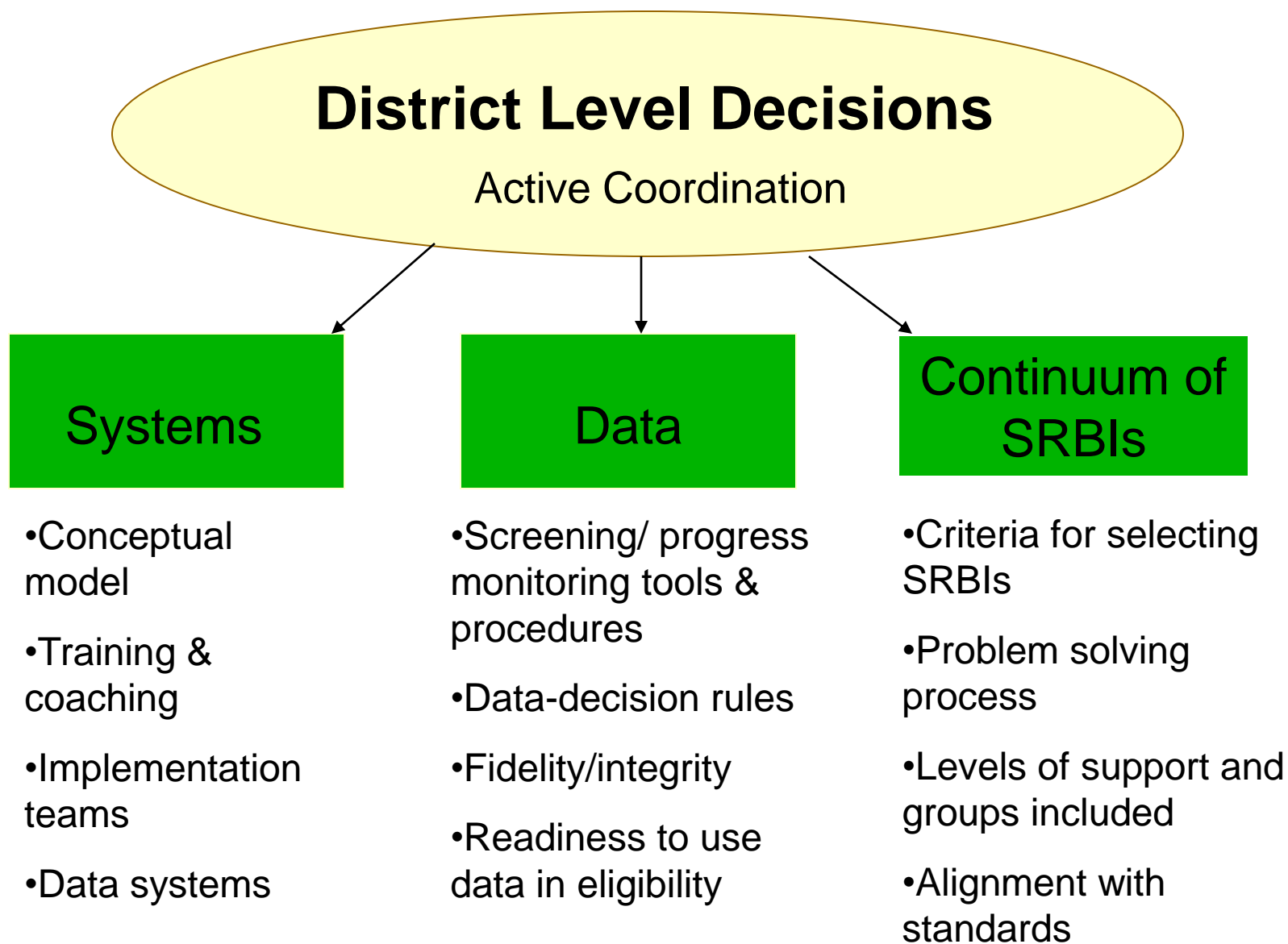
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## D. Using Data from System of SRBI (New)

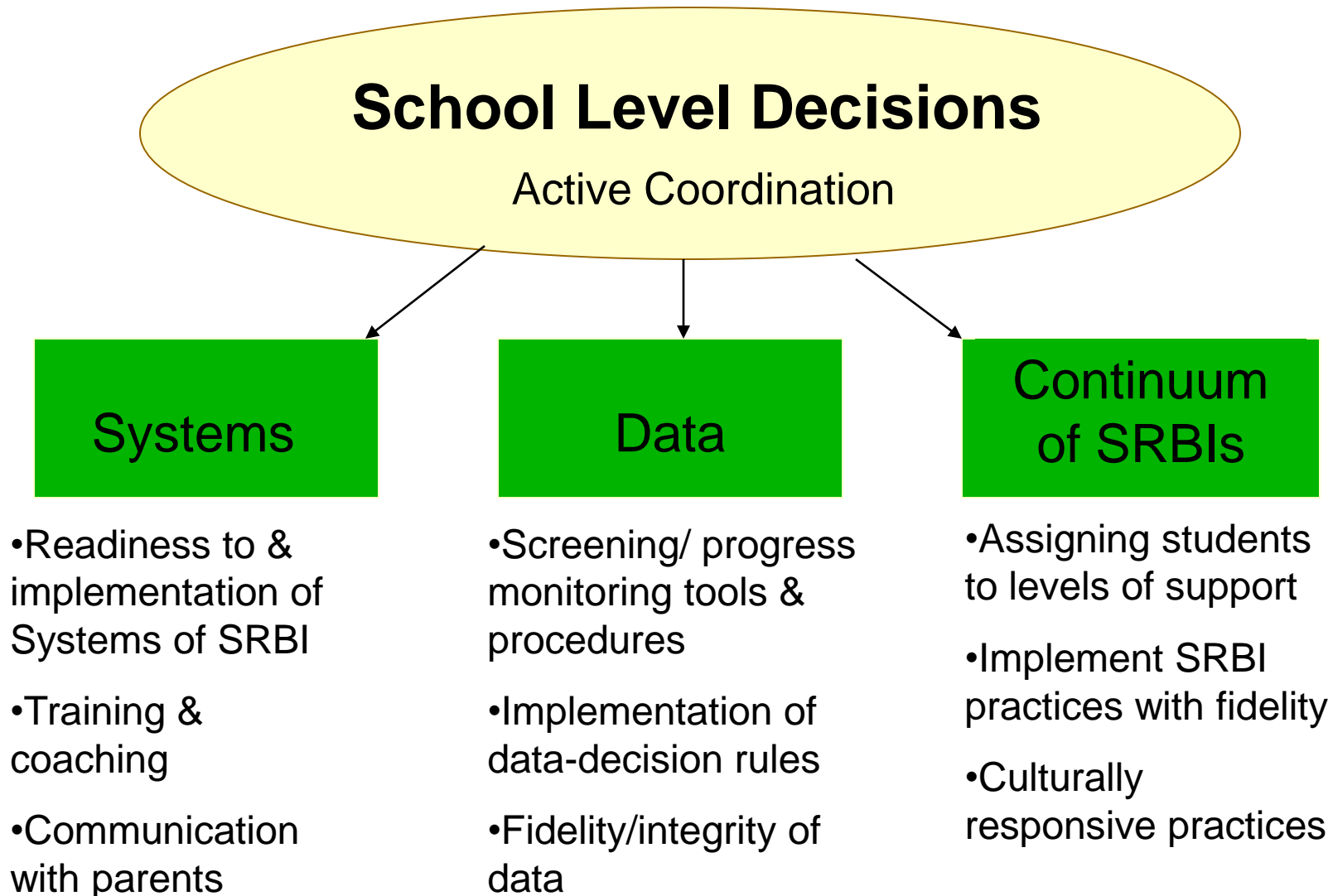
Response defined as:

- 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
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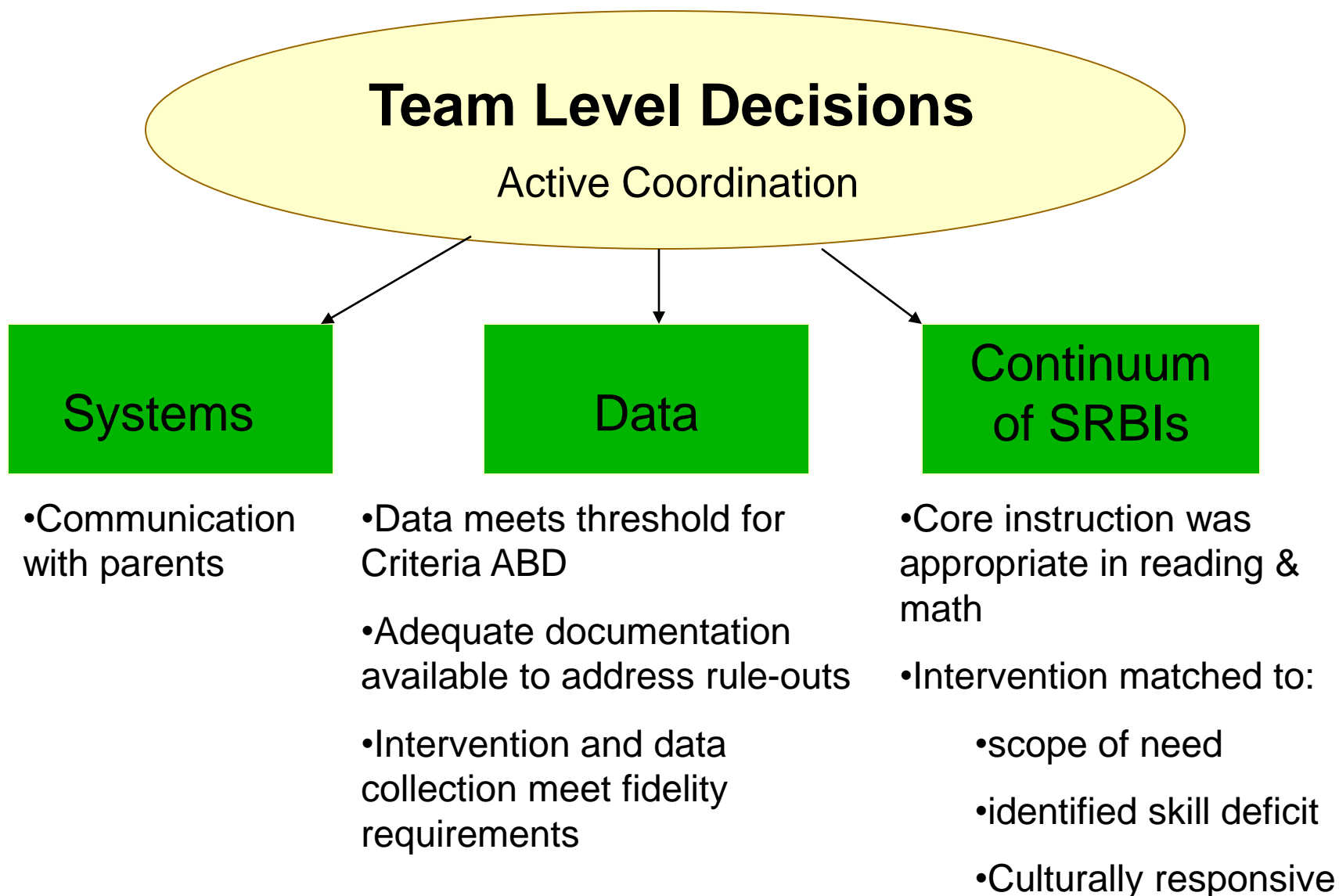
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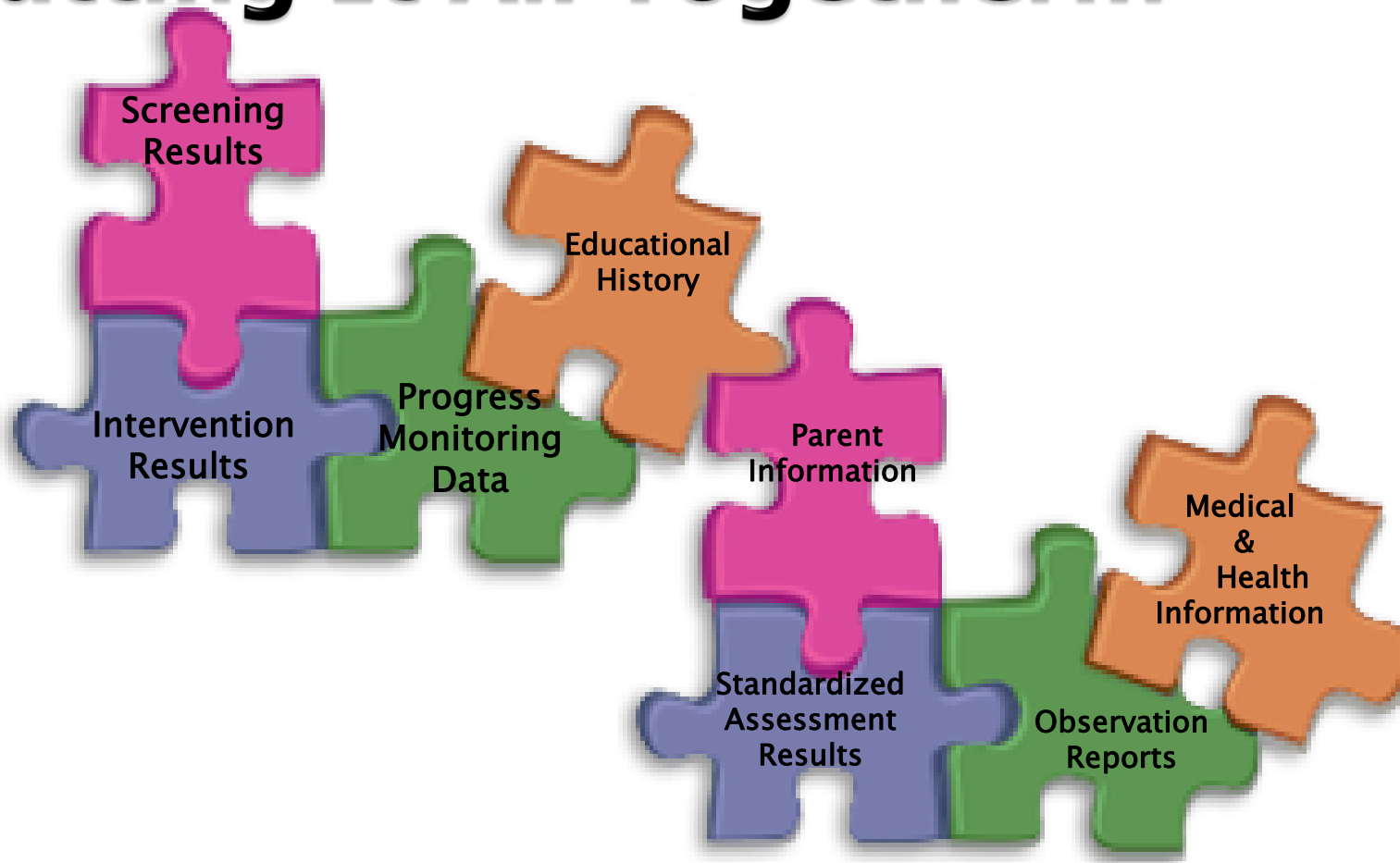


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## Factors that Influence When Data from RtI/System of SRBI Can be Used

- 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
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# Putting It All Together...

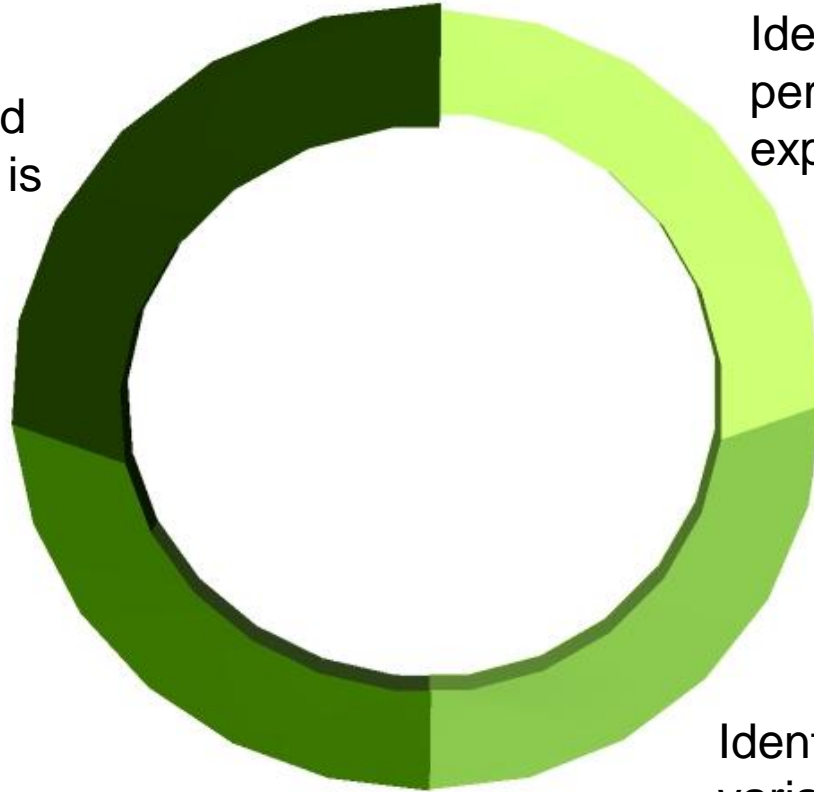


# Steps Towards Comprehensive Evaluation

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## Follow Systematic Process for Problem Solving

Evaluate the data and determine if the plan is working.



Identify gaps between performance and grade-level expectations.

Carry out the intervention as intended.

Identify the instructional variables to be included in plan to address the gap.

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# Prior to Comprehensive Evaluation

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Follow Systematic Process for Problem Solving



Student participates in first cycle of intervention (SRBI)



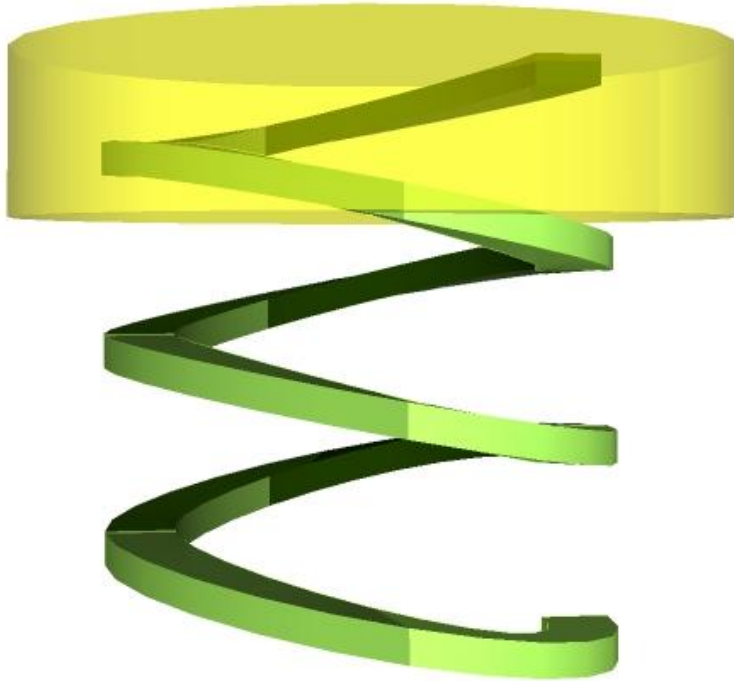
Student participates in second cycle of intervention (SRBI)

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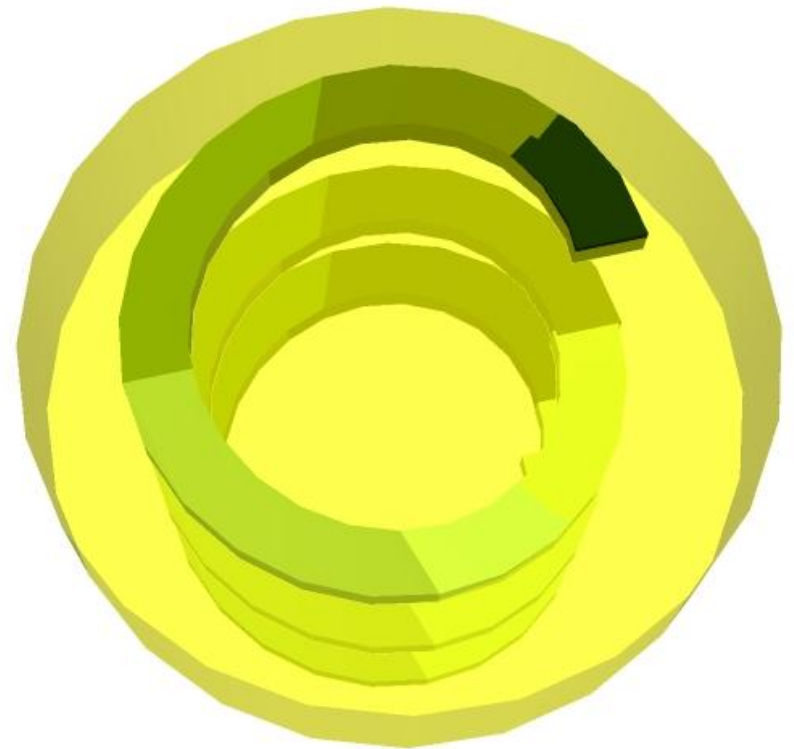
# Within Comprehensive Evaluation

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Follow Systematic Process for Problem Solving



Comprehensive evaluation is next formal cycle of problem solving



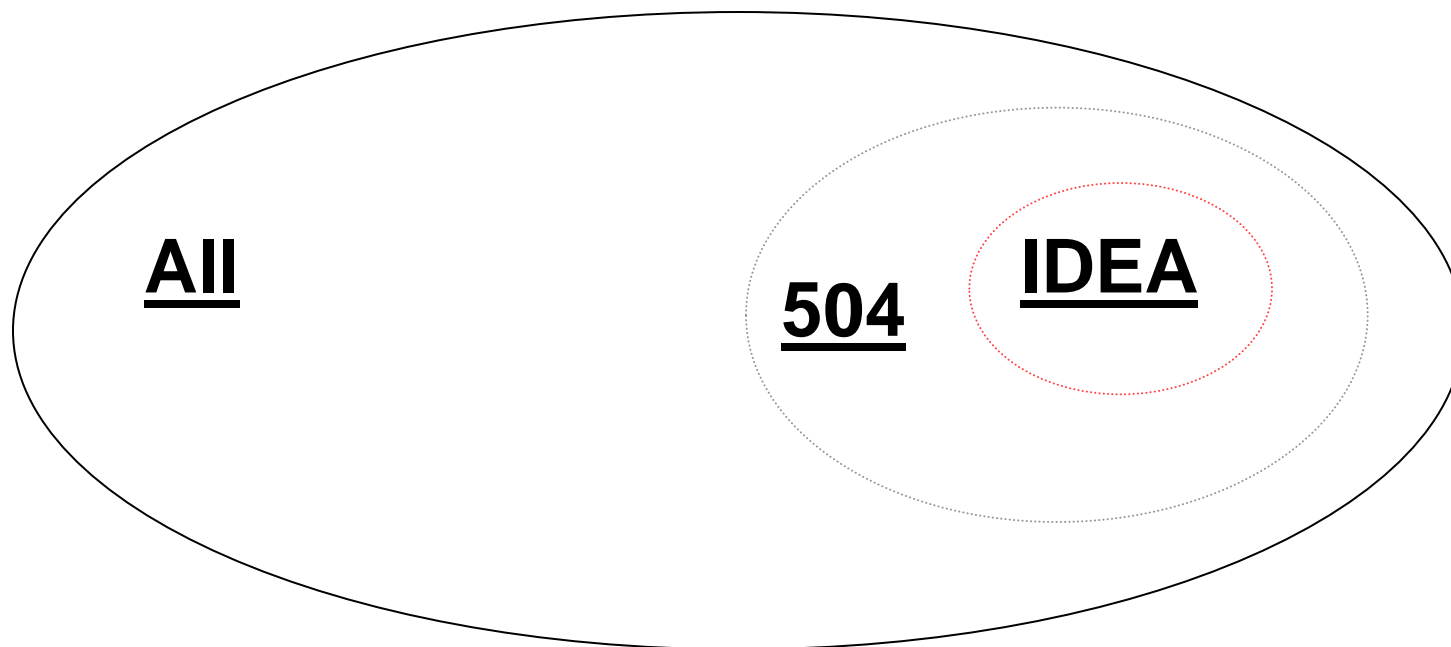
Evaluation report reflects data from previous cycles of problem solving

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**Refer to Draft SLD Criteria Worksheet**

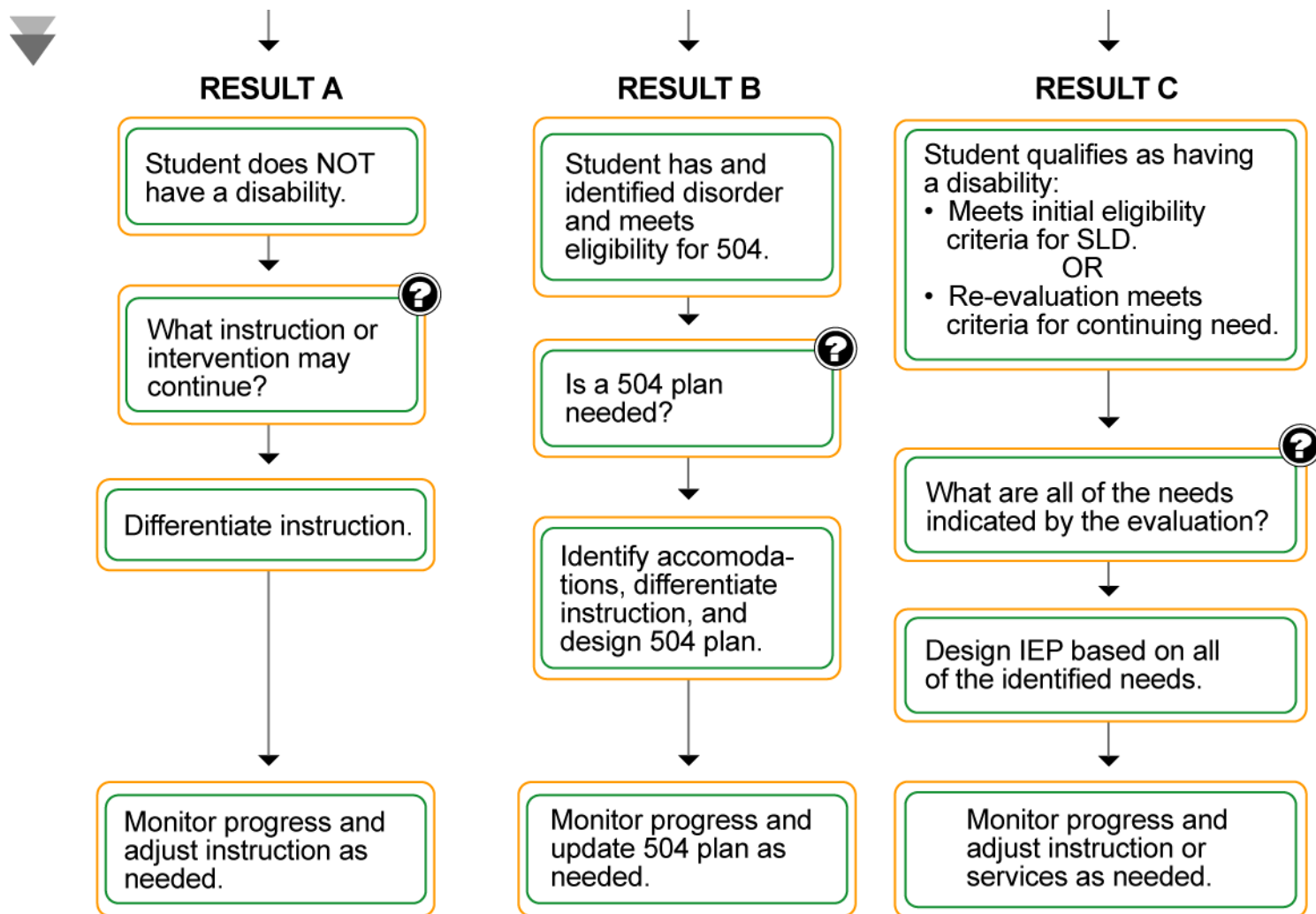
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# Potential Results of Evaluation



Document which criteria were selected and met

## 3. Document Results of Evaluation



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## 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.**
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# Odds and Ends

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# 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?

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## 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

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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

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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](http://www.nasdse.org)
  - National Center for Research on Learning Disabilities (NCRLD) Toolkit on RTI at [www.nrclid.org](http://www.nrclid.org)
  - Minnesota Department of Education- Special Education Policy Division website at [education.state.mn.us](http://education.state.mn.us)
  - CEC's RTI Blog- <http://cecblog.typepad.com/rti/>
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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.ncl.org/images/stories/downloads/recog\\_response/2006fpgsynthesis\\_recognitionandresponse.pdf](http://www.ncl.org/images/stories/downloads/recog_response/2006fpgsynthesis_recognitionandresponse.pdf)
  - Hale, J. & Fiorello, C. (2004). Neuropsychology: A practitioner's Handbook. Guilford Press.
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