Rhode Island Criteria and Guidance for the Identification of Specific Learning Disabilities

Serving All Students with Responsive Systems of Supports and Interventions

January 2009
Rhode Island Department of Elementary and Secondary Education

State of Rhode Island and Providence Plantations

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Acknowledgements

We would like to thank the members of the Specific Learning Disability Workgroup for all of their efforts to help review and refine the RI Criteria for Specific Learning Disabilities and this guidance document. Without their critical evaluations and reflections the criteria would not be reflective of the needs of our students, their families, and the schools of Rhode Island.

We would also like to thank all of the staff of the school districts involved in the RI RTI Initiative technical assistance. Our work with them informed the framework of RTI in Rhode Island and helped ensure clarity, completeness and usability of this document.

We would like to acknowledge the leadership of Ina Woolman, who first brought Response to Intervention to Rhode Island. She continues to demonstrate her passion and dedication to this work even in retirement.

Finally, we would like to thank everyone who assisted in this endeavor. Their work helped make certain that this document best reflected the needs of teachers, districts, and ultimately the students of Rhode Island.

Dear friends and colleagues,

As many of you may have heard me say, we must base every decision we make as educators on what is in the best interest of our students. This guidance on the identification of specific learning disabilities is most definitely in the best interest of students. It outlines a process through which families and teams of educators can work together to develop and provide appropriate supports and services for all students who are having problems or facing challenges in school.

As you look through this document, you will see that the guidance does not set forth rigid rules, protocols, or diagnostic criteria. Rather, it describes a process for problem-solving. When a student is having difficulty academically, socially, or emotionally, educators and family members will work together and with the student to develop an appropriate and effective action plan.

This process, known as “response to intervention,” is not a special-education initiative. The process involves forming a team to analyze the student’s problem, develop and implement an action plan, and evaluate the plan to ensure that the student is getting the help he or she needs. Team members will use data to evaluate the plan. If the plan is not working, the team will revise, modify, or intensify the plan and provide more support as needed.

Sometimes we can meet a student’s needs through general-education supports and sometimes a student may need special-education services. Our goal is to provide students with the support and services they need.

I hope the information in this guidance will be useful to you. Our goal is to set forth a very sensible and thoughtful process that can bring students the help they need in a timely and effective manner. With the right supports, all students can achieve to the best of their ability and be well prepared for success in school and in life!

Sincerely,

Deborah A. Gist
Commissioner

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The Rhode Island Department of Education does not endorse nor imply endorsement of the instructional programs or assessments mentioned in this document. The purpose of utilization of specific programs or assessments in this document is to provide examples of the types of instruction and assessments that may be utilized in a Response to Intervention Framework and for the making of Specific Learning Disability eligibility determinations.

Background

The reauthorized *Individuals with Disabilities Education Act (IDEA)* was signed into law on December 3, 2004, and final federal regulations were issued in August 2006. The regulations provide both guidance and requirements for states to follow in developing criteria for the determination of specific learning disabilities. IDEA 2004 contains the provision to use a student's response to scientific, research-based interventions as one approach for identifying students with specific learning disabilities (SLD). States must develop criteria and districts must utilize the state's criteria, which:

- Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability
- Must permit the use of a process based on the child's response to scientific, research-based intervention; and
- May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability

IDEA 2004 added Early Intervening Services (EIS) to the regulations under local educational agency eligibility. A Local educational agency (LEA) may use up to 15 percent of the amount it receives under IDEA Part B and Preschool for any fiscal year to develop and implement coordinated, early intervening services for students kindergarten through grade 12, who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. Allowable activities under EIS includes professional development for teachers and other staff to enable them to deliver scientifically based interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software, and providing educational and behavioral evaluations, services, and supports designed for the population of students being served. LEAs that

December 2004
IDEA signed into law

⇩

August 2006
Final Federal Regulations issued

⇩

December 2007
Approval of RI Regulations Governing the Education of Children with Disabilities

⇩

June 2009
Approval of RI Criteria for Specific Learning Disabilities (SLD)

⇩

September 2010
Elementary School implementation of RTI as part of SLD identification process

⇩

September 2011
Secondary School implementation of RTI as part of SLD identification process

utilize IDEA Part B funds must develop and maintain a record of and report to the State educational agency (SEA) the number of children who received early intervening services and the number of those children who were subsequently eligible to receive special education and related services during the preceding two year period (i.e., the two years after the child received EIS services).

The Rhode Island Board of Regents Regulations Governing the Education of Children with Disabilities, adopted December 19, 2007 and effective July 1, 2008, include the option to use a process based on a child's response to intervention for the identification of specific learning disabilities and requires the state to adopt state criteria for specific learning disabilities. The State Criteria for Specific Learning Disabilities was adopted by the RI Board of Regents June 4, 2009 and phases in the requirement for LEAs to utilize a student's response to intervention as part of the process for the identification of specific learning disabilities and phases out the use of severe discrepancy between aptitude and achievement. It is important to clarify that RTI is not a special education or general education initiative. It is an all student, all staff initiative designed to serve all students with responsive systems of supports and interventions.

RTI: Connections to RI and Federal Education Policies and Initiatives

Response to Intervention (RTI) is a process of determining appropriate support and interventions to supplement and intensify the core curriculum to meet the needs of all learners. This framework for instruction bases decisions on benchmark and progress monitoring data to improve student achievement. The use of data to drive instruction is core to a number of current educational initiatives—among these are Rhode Island's Personal Literacy Plan (PLP) process, the Positive Behavioral Interventions and Supports (PBIS) process, the RTI process, the Board of Regents Regulations for Middle and High Schools, and most recently, the Basic Education Program (BEP) Regulations. These initiatives are essentially similar, differing only in their areas of focus—all provide student-centered, data-based intervention and supports utilizing a cyclical problem-solving process, based on a foundation of comprehensive and effective curricula. The improvement process in each of these initiatives is focused, as needed, at the individual student level, the classroom level, the school level, and/or the district and state levels. Rhode Island has conceptualized this process to include four key components.

RTI is a problem-solving process.

The practice of making important educational decisions about students using a problem-solving process involves strategic decision making based on data about student achievement and rate of learning.

RTI involves a shared responsibility between general education and special education.

Supports and services are provided within an expanding circle of support model whereby individuals collaborate in various ways as part of a problem solving process. This model ensures that general education and special education staff work together as part of intervention teams so that student needs are identified early, appropriate instruction/interventions are implemented and student progress is monitored for program efficacy and decision making.

RTI requires a school-wide intervention system.

Interventions are targeted instruction based on student needs and must be designed for the population of students being served, rather than a one-size-fits-all approach. Interventions are coordinated with and enhance the comprehensive curriculum that is provided in general education. More intensive interventions with highly qualified professionals are available when students don't respond. Effective research-based practices and ongoing professional development are at the core of an intervention system.

RTI is a way to make data-based decisions using screening and progress monitoring data.

School-wide screening data and individual progress monitoring data designed for the population of students being served is used to problem solve and make systematic decisions. The goal of these assessments is to provide teachers with data to answer two questions: (1) is the student making progress towards a grade-level expectation or long-term goal? (2) is the student making progress towards mastery of a targeted skill? When students do not demonstrate progress, that is respond to the instruction/intervention, interventions need to be modified and/or intensified. This enables effective early intervention for all students.

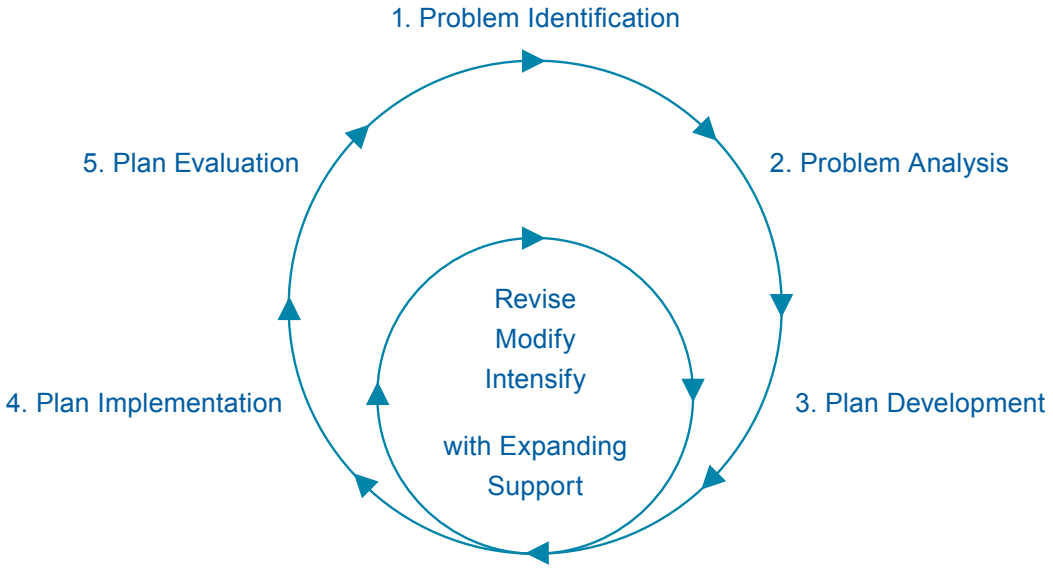
Part I
Overview of the Rhode Island Response to Intervention Framework

Problem Solving Process

If a student isn't performing as expected, we will change what WE'RE doing … and continue problem solving until we find what works.

Problem Solving is a systematic decision-making process that begins with data. The process provides a framework to connect student performance on district, school, and classroom assessments to instructional decision making. When using a problem-solving process, teachers, parents and/or teams of professionals can make decisions about students' instructional needs as well as guide overall school-improvement.

The problem-solving process is key to systematically addressing the needs of individual students, as well as improving the performance of classes, schools and districts. Problems are identified (clarified in terms of expected target and actual performance) and analyzed to determine why the difficulty is occurring; strategies are developed to address changes in instruction, curriculum and environment; assessments are designed to evaluate progress; plans are devised for who will do what, when and where; plans are carried out; fidelity is monitored and results are evaluated. The subsequent analysis informs the next round of instruction and intervention. All educators must be prepared to utilize this process at the student, school, and district levels as part of grade-level teams, problem solving teams, special education teams and school improvement teams.



<table>
<tr><th>Key Questions</th><th>Group/Class Example</th><th>Individual Example</th></tr>
<tr><td colspan="3">1. Problem Identification</td></tr>
<tr><td>What is occurring?

What is expected?

How is the student's performance different than that of his/her peers?</td><td>Five 2nd grade students are not able to automatically answer single digit addition problems. Performance on a mixed addition/ subtraction Curriculum Based Measurement (CBM) probe: January <10 Correct Digits (CD) (local norms 20th percentile)

<table><tr><th>Learner</th><th>+ to 10</th><th>+ to 20</th><th>Math CBM CD</th></tr><tr><td>Jon</td><td>80%</td><td>60%</td><td>8</td></tr><tr><td>Ned</td><td>75%</td><td>75%</td><td>7</td></tr><tr><td>Jana</td><td>90%</td><td>80%</td><td>7</td></tr><tr><td>Kristie</td><td>73%</td><td>70%</td><td>7</td></tr><tr><td>Rob</td><td>75%</td><td>65%</td><td>6</td></tr></table>
Second Grade Grade Level Expectation (GLE): Add and Subtract to sums of 20

Average 2nd grader can automatically solve single digit addition problems to sums of 10. Second Grade average on addition/ subtraction CBM probes in October 16 CD, January 20 CD</td><td>Eliza, a seventh grader, has difficulty answering questions about academic content in science and social studies classes (e.g. compare and contrast and cause and effect questions).

She averages 2/5 on class quizzes and homework assignments. Her answers include content from the units, but do not reflect the conceptual relationship being asked. The 7th grade science classes average 4.5/5 and the social studies class average 4/5 on quizzes and homework assignments.

NECAP
6th grade Reading 2 Math 3
5th grade Reading 3 Math 3 Writing 2

GRADE Assessment
Comprehension 14th percentile
Vocabulary 40th Percentile
Total 28th percentile

Class Grades:
6th grade
A in Math B/C in all others
7th grade
A in Math B- English B- Spanish, C- Science, D Social Studies</td></tr>
<tr><td colspan="3">2. Problem Analysis</td></tr>
<tr><td>Why is the problem occurring?

What are current instruction, curriculum and environment?

What is hypothesis of why the problem is occurring based on this information?</td><td>Instruction:
Concrete and abstract representation used to review addition and subtraction algorithm. All students had opportunities 3 times a week to complete addition/subtraction fact games on the computer to build automaticity as part of center time.

Curriculum:
Addition and subtraction algorithm part of 1st grade curriculum. Mental Operations sums to 10 in first grade, sums of 20 in second grade. Investigations textbook materials used as part of core curriculum.

Environment:
Whole-class lesson 30 minutes a day (Classroom Teacher), small group center time and investigation practice 30 minutes a day (Teacher and Teacher Assistant in class)

Hypothesis:
The students are not solving addition problems to sums of 20 because they are not calculating the problem accurately. If provided instruction on addition strategies and practice performing the mental representations of the addition facts, the students will answer problems accurately and with increased automaticity.</td><td>Instruction:
Small group discussions, experiments, textbook readings, graphic organizers, lecture

Curriculum:
Social Studies: Geography; Science: Physical Science

Environment:
55 minute classes every day

Learner:
Transitioned well from elementary school last year, plays on school soccer team, PLP in elementary school 2-4th grades, focus of interventions was reading fluency and comprehension, extra-help afterschool with social studies teacher 2 times, science teacher 3 times in 1st quarter

Hypothesis:
Eliza is not answering comprehension questions about nonfiction texts accurately because she does not understand the conceptual organization of nonfiction text. If provided instruction in non-fiction text structure and the use of graphic organizers to take notes and organize her answers, she will answer the non-fiction comprehension questions accurately.</td></tr>
</table>

Key Questions	Group/Class Example	Individual Example
3. Plan Development		
What is the goal? What is the intervention plan? How will progress be monitored? Who will implement plan and assess student progress?	**GOAL:** To solve addition problems to sums of 20 automatically without the use of manipulatives or tally marks Addition Probe 100% accuracy, Increase of 1 CD a week; Math CBM 20 CD by Spring Benchmark **Intervention Logistics:** Small group, 20 minutes a session, 3 times a week, Classroom teacher **Intervention Strategies:** Incremental Rehearsal, Self-Monitoring and Performance-Feedback **Monitoring:** 1) Math Computation probes with Addition Facts 0-20, 2 minutes, Correct Digits, Accuracy % 2) Math CBM (mixed add/sub) bi-weekly, Correct Digits	**GOAL:** To be able to answer compare and contrast questions and cause and effect questions about science and social studies topics with 90% accuracy. **Intervention Logistics:** small group, 2 times a week with reading specialist **Intervention Strategies:** Use graphic organizers to identify key ideas/ conceptual organization of non-fiction texts. Discussion of conceptual relationships with peers prior to writing. **Monitoring:** 1) Quiz and Homework Grades 2) Intervention work samples: accuracy of information included in graphic organizers
4. Plan Implementation		
How will implementation fidelity be ensured?	Classroom teacher will keep a log of intervention session as well as daily student practice sheets. Special Educator will check-in with classroom teacher on a bi-weekly basis to address questions and concerns regarding the intervention strategies and student performance.	The reading teacher will keep a log of intervention sessions and check-in with science and social studies teachers every other week.
5. Plan Evaluation		
Did the student(s) respond to the intervention? What is the next step?	Classroom teacher's log— Intervention occurred 90% of the time it was planned Student work samples— Work samples showed student accurately completing problems and less reliance on concrete representation and tally marks as the weeks progressed. Addition Calculation Probes— 5 students achieved 100% accuracy by spring benchmark Math CBM 3/5 students met spring benchmark of 20 Revise intervention for 2 students to address automaticity of addition facts. Exit 3 students from targeted math intervention.	Reading Teacher's log— Intervention occurred 50% of the time it was planned Student work samples— Information included is accurate, but limited details Homework average 3/5 Quiz average 3.5/5 Revise logistics to increase attendance/ occurrence of intervention Provide feedback on graphic organizers and self-monitoring process to increase amount of accurate info included.

Shared Responsibility among general educators, special educators and administrators

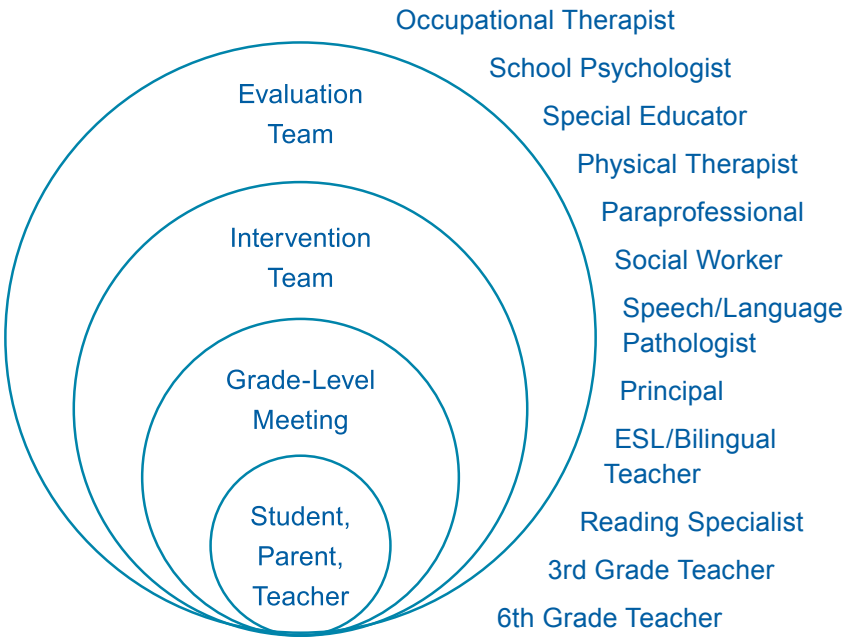
All students and families are part of ONE proactive responsive educational system. Such a system requires professionals and families to believe that all students can learn and that we can effectively teach them. Shared commitment to working collaboratively leads to a system in which early and responsive intervention enables all students to achieve at the high levels needed to lead fulfilling and productive lives, to succeed in academic and employment settings, and to contribute to society.

Expanding Circle of Support

An expanding circle of support provides students and teachers with the necessary expertise and resources to meet all students' academic, social/emotional and behavioral needs. The student, supported by his/her teacher(s) and family are in the center of an expanding circle of support that grows to include other individuals as needed. Any of a variety of professionals (including reading specialists, ESL/bilingual teachers, special educators, related service providers and administrators)—individually and as members of support teams—may lend their experience and knowledge to help teachers determine what is needed for children to learn within the general and special education setting. Teams are fluid as composition is based on the problem being addressed.

The expanding circle of support is designed to be collaborative and strategic such that decisions can be made that support all students and teachers. At the school level, a collaborative and responsive system includes teaming/consultation opportunities through parent-teacher conferences, grade-level meetings, Problem-Solving/Intervention Team and Evaluation Team (Team of Qualified Professionals; Special Education Team). Grade-level meetings facilitate the process of providing preventative intervention when students first demonstrate difficulty. At this meeting teachers review screening and progress monitoring data and work together with support personnel to differentiate their curriculum and instruction, and plan targeted short-term interventions. When students do not respond to initial classroom differentiation and targeted interventions, the circle of support expands to an intervention team meeting where an individualized problem solving process occurs to further support a student's academic and behavioral needs. This circle of support becomes individualized through a systematic problem solving process. Individuals, as members of teams, provide knowledge and expertise

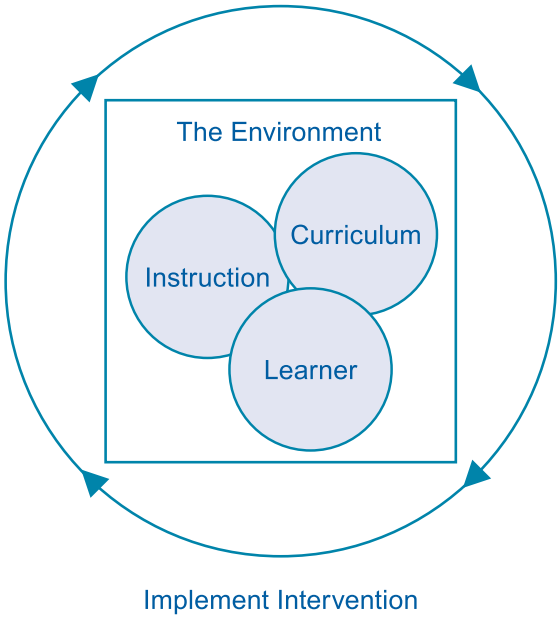
Expanding Circle of Support



focused on effective instruction and early intervention.

School professionals seek to improve student learning by asking questions about the curriculum, instructional practice and the environment. Analysis of data from four assessment modalities of Review (records and products), Interview (teachers, students and parents), Observe (instruction, environment, behavior and interaction) and Test (language, achievement, processing) provide professionals information about student performance and progress. Decisions are based on a convergence of evidence from a variety of data sources: criterion-referenced assessments, curriculum-based measures, student and parent interviews conducted in culturally and linguistically appropriate ways, classroom observation, student work samples, standardized norm-referenced assessments and diagnostic tests. All measures must be selected as valid and reliable for the student population being assessed. This data-based problem solving process with an expanding circle of support is used for two purposes: (1) making effective decisions about teaching and learning that ensures success for all children, and (2) determining appropriate levels of support and intervention.

Problem Solving



[L.B. Hauerwas, 2003]

Roles and Responsibilities

Implementation of RTI involves the school-wide commitment of all individuals in the school community including general educators, specialists, special educators, parents, paraprofessionals and administrators. Everyone must work collaboratively to support each student as he/she progresses to meet grade level/span expectations. At times students may need evidence-based small group and/or individual interventions to supplement the core curriculum and instruction. Such targeted interventions may be provided by classroom teachers, paraprofessionals, specialists, special educators and/or related service providers depending on school resources, staff training, and funding sources. Everyone is an interventionist and is accountable for student success in an RTI framework.

Intervention teams are different from traditional Teacher Support Teams (TST) in three ways:

1. Intervention teams problem solve with the goal always being improved student outcomes. This is a change from supporting teachers as the primary focus.
2. Membership includes specialists and special educators as well as general educators and principals. This team is often fluid as specialists are invited on an as needed basis, but a core group of general and special educators meet regularly.
3. Discussions and decisions are based on data. A specific problem solving process is followed and documented.

Reliable and valid data is essential in an RTI framework. Schools need to identify persons responsible for collecting data, entering data, managing data, and analyzing data. The use of data to make decisions requires staff with varying expertise. Classroom teachers, specialists and special educators will administer screening and progress monitoring assessments and access data-management systems to review results. School technology personnel will facilitate the use of software to manage data and chart results. School psychologists, special educators and/or reading teachers will assist classroom teachers in using data to guide curriculum and instruction decisions. As students' needs advance to more intensive interventions, school psychologists, special educators and other specialists may be called upon to interpret and synthesize student data to guide the individualized problem solving process, special education referral process and/or eligibility decision.

Leadership of RTI

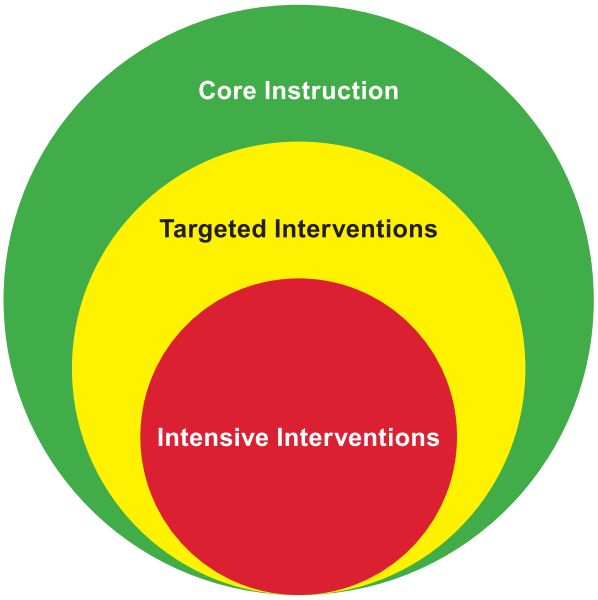
Leadership of RTI must be shared and distributed amongst general education and special education teachers and administrators. District administrators (curriculum leaders, special education directors, ELL coordinators, instructional technology directors, etc) are charged with building a consistent RTI framework across schools and aligning local, state and federal initiatives to support student learning and achievement. Leaders must coordinate efforts to support a common vision, build necessary infrastructure and provide ongoing professional development. Principals play a critical role in the change processes necessary to build a school commitment to responsive and preventative practices, but so do teachers and specialists. Varied professionals bring the wealth of expertise necessary to implement data-based decision making and evidence-based instruction and intervention that supports the learning of each population of students. Administrators and teachers must recognize the connections between assessment and instruction and accept the shared responsibility for using assessment data to make educational decisions for the district, schools, grade levels, classrooms, and for individual students. Leaders should ensure that RTI practices are implemented with fidelity to create a unified system of support that promotes achievement of all students.

School-Wide Instruction and Intervention System

A comprehensive and systematic school-wide instruction and intervention system is built on the foundation of a guaranteed and viable program of study. This system includes a full continuum of universal, targeted and intensive instruction and supports that are culturally and linguistically appropriate, evidenced-based and responsive to student needs. Because one size rarely fits all, RTI embraces the notion of a full range of instructional options that vary in intensity. An RTI framework ensures that students receive high-quality instruction at varied levels of intensity based on their needs. RTI offers varied academic and behavior intervention options to increase the likelihood that students achieve proficiency.

The universal or core instruction that is provided within the general education classroom is the most critical ingredient within an RTI framework. It is the foundation of the school's instructional support system. All supplemental supports and interventions are built upon it. A common consensus throughout the nation is that 80 percent of students can be successful if the core instruction is high-quality, differentiated and comprehensive enough to meet learners' needs within and beyond the grade level curriculum.

However, because core instruction alone is insufficient for about 20 percent of students, schools must provide a responsive system of supports, to add both instructional time and instructional intensity into the day of some students. The instruction provided during interventions may be targeted or intensive depending on student need and is designed to accelerate progress in order to prevent or close learning gaps in a timely fashion. It is critical that the interventions work in concert with the classroom core instruction so that instructional support supplements and enhances the comprehensive program of study to build students' academic and behavioral skills. Instruction at all intensity levels should be engaging, meaningful and tailored to student learning so that it is continually responsive to each student's needs.



Types of Instruction/Intervention within an RTI Framework

Universal or Core Instruction

High quality, comprehensive instruction is provided to all students as part of universal or core instruction. The curriculum, differentiated instruction and assessment practices provide a coherent and articulated development of students' skills and abilities. The curriculum and instructional strategies that are used are culturally and linguistically appropriate, evidenced-based and aligned with state and local grade level and grade span expectations and the core instruction for English Language Learners (ELLs) should additionally be aligned to the WIDA English Language Proficiency Standards. Effective classroom instruction is characterized by meaningful learning opportunities guided by formative assessment appropriate to the student population being served. Instructional supports such as graphic organizers, hands on activities and cooperative grouping and modeling, are implemented naturally and regularly by the teacher to reach the wide range of learners that comprise a typical classroom. Progress monitoring in the form of universal screening should occur three times a year for students as part of the core instruction.

Core instruction for ELLs addresses language objectives in addition to content objectives and incorporates a variety of strategies and techniques some of which may resemble a targeted intervention for English proficient peers. Some of these instructional strategies and techniques for ELLs include: are explicit and intensive vocabulary/word bank work; use of visuals, gestures, and modeling; think alouds, explicit connections between content/lesson and students' background experiences and prior learning; hands on activities and cooperative grouping; first language (L1) support; frequent feedback during lesson;

comprehensive review of key vocabulary and content concepts; graphic organizers. In addition, strategies to support the student's acculturation and adaptation to the school should be part of core instruction for ELLs. All ELL approaches used must be tailored to the proficiency level of the learner, as defined by the WIDA Can-Do Descriptors and Performance Definitions contained in the ELPS framework, and acknowledge the extent of their prior schooling and literacy background in their native language.

Examples of Core Instruction:

1. *Three students in a fourth grade class are evidencing some difficulty reading non-fiction grade level text. During the reading block, the classroom teacher meets daily with these students to provide a guided-reading lesson that is aligned with the class whole group mini-lesson on text structure in non-fiction materials.*
2. *The performance of six students in a middle school social studies class is discrepant from their peers in background knowledge about the American History content of the next unit, as determined by pre-assessment collected by the teacher. During the social studies period the teacher works with this group to provide a conceptual framework for the new content using graphic organizers.*
3. *An elementary student in a dual language program is performing below his dual language peers on both Diagnostic Reading Assessment (DRA) and EDL (Spanish version of DRA) for fluency. The teacher differentiates instructional tasks and provides small group instruction that not only focuses on building basic reading skills, but also utilizes visuals/graphic organizers, oral academic language practice, cognates for vocabulary instruction, and appropriate background information and experiences.*

Targeted Interventions

Highly efficient, explicit instruction is provided to **some** students who need more than the core instruction to achieve at grade level. The instructional strategies and materials used are research-based and delivered by effective providers to small groups of students with similar needs. The instruction is designed to be short term and targeted to specific student needs. It is most effective when it supports and enhances the classroom instruction and occurs in meaningful contexts. Progress monitoring of students' performance toward intervention goals should occur at least twice a month for students receiving this type of intervention.

Interventions are not:

- Preferential seating
- Shortened assignments
- Lowered expectations
- Parent contacts
- Classroom observations
- Suspension
- Retention

Examples of Targeted Interventions:

1. *Four students in second grade are evidencing difficulty with math problem solving. During the grade level math intervention block (in addition to math core instruction) that occurs three times a week for 30 minutes, the classroom teacher provides explicit modeling, guided practice and supportive feedback on solving addition and subtraction word problems using schema-based instruction. The instruction includes identifying the problem type and then translating the problem from words into a meaningful graphic*

representation. The classroom teacher cues and prompts the students about these strategies as they complete math problems as part of the core instruction. The intervention will last for 6 weeks. Progress monitoring of students' performance on mastery measurement assessments of addition and subtraction word problems that involve joining actions and separating actions will occur throughout the intervention.

2. *A ninth-grade student who arrived in the United States in middle school has partial literacy in L1. Data were collected on the student's English proficiency using the W-APT (WIDA Access Placement Test) and ACCESS assessments. The student's ACCESS scores were as follows: Listening—4.4, Speaking—3.9, Reading—3.0, and Writing—2.7. The student is evidencing significant difficulties in her American History class, specifically in the area of vocabulary compared to similar ELL peers' performance in vocabulary. Core instruction has included comprehension strategies that target the use of context clues to identify word meaning using a think-aloud protocol. The reading specialist in consultation with the ESL teacher will provide an 8 week intervention of activities focused on oral academic vocabulary and building background knowledge with L1 support which occurs daily for 10-15 minutes. Progress monitoring of the student's performance on class work, homework, and class assessments in American History including documented growth in the number of vocabulary words retained will occur throughout the intervention.*

Intense Interventions

Specifically designed systematic instruction for those **few** students who are not making sufficient progress with targeted interventions or who need a greater instructional intensity to accelerate their progress because of a more significant learning gap is provided intensive interventions. The instructional strategies and materials used are research-based and delivered by highly effective providers to very small groups of students. This type of intervention is delivered more frequently (often four to five times a week) and often of longer duration than targeted interventions in order to reduce learning gaps. It is characterized by extraordinary intensity and focus. Intensive interventions may be provided as a general education, special education or related service. It differs from targeted instruction in that it is more intense (see figure on page 15 for examples of ways to increase intensity) and often more individualized. As is the case with targeted intervention, it is most effective when learning experiences occur in meaningful contexts and the instruction is aligned with the core curriculum and tailored to the individual learner although the delivery and materials used may be different. Progress monitoring should occur frequently (as often as weekly) for students

Increasing Instructional Intensity

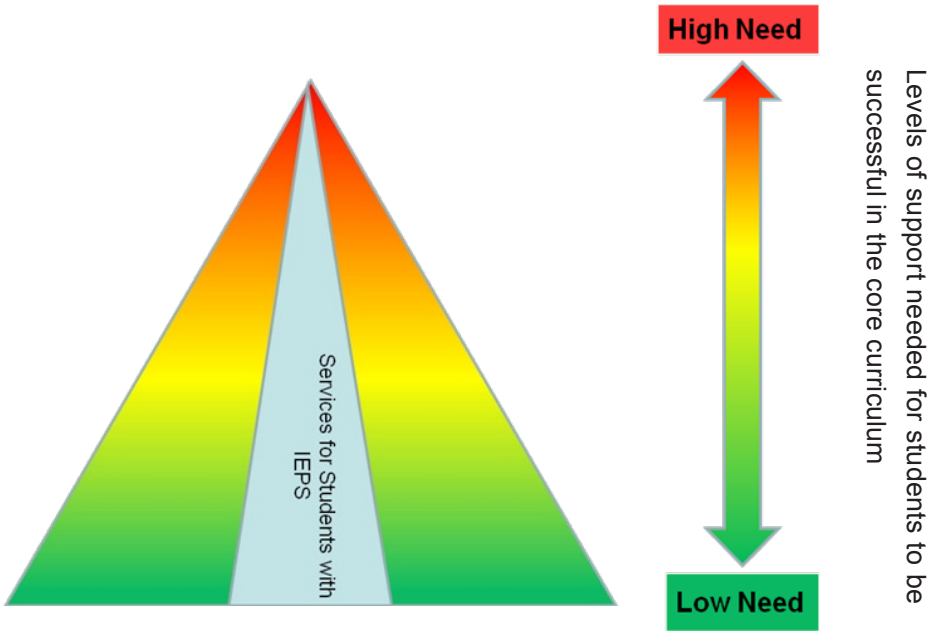
- Reduce group size
- Add instructional time by increasing frequency or duration
- Increase teacher-led instruction and modeling
- Provide more scaffolding
- Increase teacher/student interaction
- Increase opportunities to respond
- Adjust instructional pace and increase opportunities for practice
- Increase use of graphic organizers, manipulatives, mnemonic strategies, etc.
- Increase repetition cycles and corrective feedback
- Increase engagement and meaningful learning activities
- Increase expertise of intervention provider

receiving this type of intervention and should include a balance of general outcome measurement and mastery of specifically taught skills.

Examples of Intensive Interventions:

1. *Two fifth grade students are reading significantly below grade level according to district reading assessments. They will receive 45 minutes of daily instruction from the special educator who has expertise in teaching reading to struggling learners. The interventionist will utilize a reading program designed to provide intense instruction in word decoding and fluency. The strategies that are taught will be modeled for the classroom teacher by the special educator so that the students will continue to apply what they learn when reading text in the classroom. The text used in the intervention and as part of the core will be both meaningful and matched to the students' reading level. This intervention is scheduled to last for 10 weeks, but students' response to instruction will be reviewed after 6 weeks. Reading fluency CBM and survey of multi-syllabic phonics will be used to monitor progress.*

2. *A sixth grade student, new to the school district is evidencing strong performance in all subject areas except math. Teacher observation, classroom assessments and district fall benchmark math testing all indicate that the student's math performance is significantly discrepant from her peers. Her math teacher has met with her every day before school for 3 weeks to support her with classroom assignments; however; her grades show that she is still having difficulty. The math teacher, along with a building based problem-solving team, engage in a structured problem-solving process. A review of her prior school records shows that she experienced success in math until grade 5. An interview with the girl and her parents reveals that her fifth grade teacher was out on sick leave for extended periods of time and replaced with a substitute teacher who allotted only 10 minutes a day to teach math. Diagnostic math testing done by the math specialist indicates that the student is lacking skills and knowledge in many grade 5 math concepts. An intervention is planned to provide explicit math instruction through one to one tutoring every day before school. The goal is for the student to demonstrate proficiency in grade 5 math concepts and skills. This instruction will be provided by the*



Modified from www.rti4success.org

school's math specialist. The concepts and skills covered each day will be reinforced by her classroom teacher in her sixth grade math class. Her progress will be monitored weekly using math curriculum-based measures and other math formative assessments that are part of the district's math curriculum. The team will meet formally after 8 weeks to evaluate her progress.

3. *A classroom teacher has concerns about reading and written expression of a fourth grade ELL student who has been in the same school since kindergarten. The student had been receiving ESL as well as daily interventions through a Personal Literacy Plan (PLP). His performance on materials selected from the general education curriculum was compared to similar ELL peers' performance (similar in acculturation, home language, length of residence in the United States, length of participation in the English language instructional program). Assessment measures utilized included Maze reading, Oral Reading Fluency (ORF), written expression (total words and correct writing sequence), the domain scores from his most recent ACCESS administration (Level 3-Developing overall,) and his performance on the WIDA Writing Rubric. When compared to his similar ELL peers, it was determined that he would benefit from an intervention to address needs in the area of language control jointly developed by the ESL teacher and the Reading Specialist. The student will receive 30 minutes of supplemental instruction to include guided writing, modeling and demonstrations 4 times a week for 8 weeks. The student will build skills to the next level in English writing reducing errors that reflect first language inference in written expression. His progress will be monitored using the written expression measurement (total words and correct writing sequence) and WIDA Writing Rubric.*

Documentation of Intervention Plans

In order to ensure communication and coordination among classroom teachers, intervention providers, parents and students it is important that schools have a process in place to document interventions. A written intervention plan should articulate with clarity the intervention that the student requires to accelerate progress. It is meant to be a working document and should be reviewed often. It should include the current and expected level of performance in measurable terms, a plan for intervention implementation that includes a description of the needed instruction and the logistics (who, where, when, how often, etc.) required to provide it. In addition, the written plan should include an assessment plan for monitoring student progress and criteria for success. Written notice should be provided to the parent(s) or guardian(s) for each student receiving or discontinuing an intervention. This notice should be in the parent's native language and describe the intervention, the approach used to identify the student's need for support, and exit criteria for the support. A personal literacy plan, behavior intervention plan, 504 plan, Individual Learning Plan, and/or and an individualized education program can be used to document interventions students are receiving as part of a systematic RTI framework.

In summary, an RTI framework is built on a guaranteed and viable comprehensive program of study for all students. Some students will need support and interventions in addition to the universal or core instruction.

Academic support and interventions provided by each LEA are:

- Designed to coordinate and supplement instruction in the comprehensive program of study
- Based on students' performance on a variety of assessment measures
- Targeted and focused to improve student outcomes
- Monitored frequently to document student progress and provide feedback
- Revised as needed and always responsive to student needs
- Presented in smaller groups
- Culturally and linguistically appropriate
- Documented in writing in a clear and usable way
- Implemented based on uniform entrance and exit criteria

Identifying Appropriate Curriculum and Instructional Practices

Identifying appropriate curriculum and instructional practices is essential to ensuring the success of students and closing the achievement gap. To ensure that appropriate programs and strategies are selected both qualitative and quantitative Scientifically Based Research (SBR) must be gathered to make informed decisions. This should not only include evidence from publishers, but also independent research examining the effectiveness of the instructional program or strategy.

Selection of instructional programs and resources should be based on evidence that they were effective with similar student populations or, when available, on scientifically based research. Evidence of effectiveness with similar student populations is a critical factor when identifying instructional programs for ELLs. In addition to examining programs to see if they are effective for ELLs in general, it is important to examine the English language proficiency level of the students for which it was shown to be effective. Instructional programs should be closely aligned to the state Grade Level/Span Expectations. In addition, programs for ELLs should be aligned to the WIDA English Language Proficiency Standards (i.e. should be appropriate for ELLs at their level of English language proficiency as defined by the ELPS). All support needed for successful implementation of the selected program should be provided to teachers to ensure that the program is implemented with fidelity.

Data-Based Decisions Using Screening and Progress Monitoring Data

Comprehensive Assessment System

The RI Department of Education requires each LEA to develop a comprehensive assessment system that includes a variety of formal and informal measures to collect data on student performance. This assessment data is used to make informed decisions about student learning and instructional needs. LEAs must ensure that these assessments are aligned with the curriculum and reliable, valid and free from bias. A comprehensive assessment system informs educators and families regarding student performance on district, school

and classroom assessments and their relationship to ongoing instructional practice. Various types of assessments are required because they provide different types of information regarding performance must be appropriate to the student population being assessed. In addition, decisions regarding student learning and instructional needs should be based on multiple data sources. A summary of various types of assessments is provided in the chart below.

Comprehensive Assessment System within an RTI Framework

Assessment	Purpose
Screening	• Identify at risk students • Monitor the progress of every student • Evaluate the effectiveness of core instruction
Progress Monitoring	• Guide instructional decisions regarding goals, groupings and instructional strategies and resources • Determine students' rate of learning • Communicate and provide feedback to students, parents and educators • Document progress for written intervention plans such as IEPs and PLPs
Diagnostic	• Identify specific student strengths and needs to tailor instruction • Determine additional information about intervention needs
Instructional Planning	• Plan instruction based on student performance • Make formative decisions about content and skills to be taught

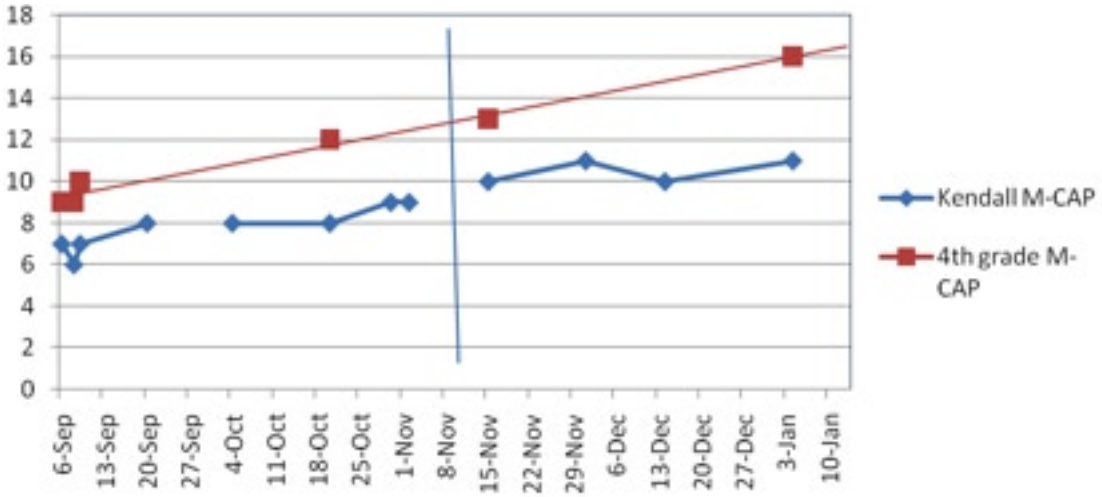
Screening and Progress Monitoring

Successful implementation of an RTI framework requires a comprehensive assessment system that provides for regular screening of all students and frequent progress monitoring for students who are not performing at grade-level and are receiving interventions. Screening provides educators with data to determine who is at risk and not performing at grade level. Progress monitoring provides data to determine if students are progressing at a rate to successfully achieve long term goals and also to determine if they are mastering specific skills. That is, if they are responding to the instruction and/or interventions provided. Implementing progress monitoring involves determining students' current level of performance as well as identifying learning goals. Students' progress is monitored on a frequent basis so that actual and expected rates of progress are compared. Educators use this data to observe students' response to research-based interventions and adjust instruction accordingly. Curriculum Based Management (CBM) and Mastery Measurement are two assessment methods that are used to monitor student progress.

Curriculum-Based Measurement (CBM)

CBM is a research-based method of monitoring student educational progress through direct measurement of academic skills. It is used to measure automaticity of basic skills in reading, math, spelling and written expression as well as monitor readiness skills in

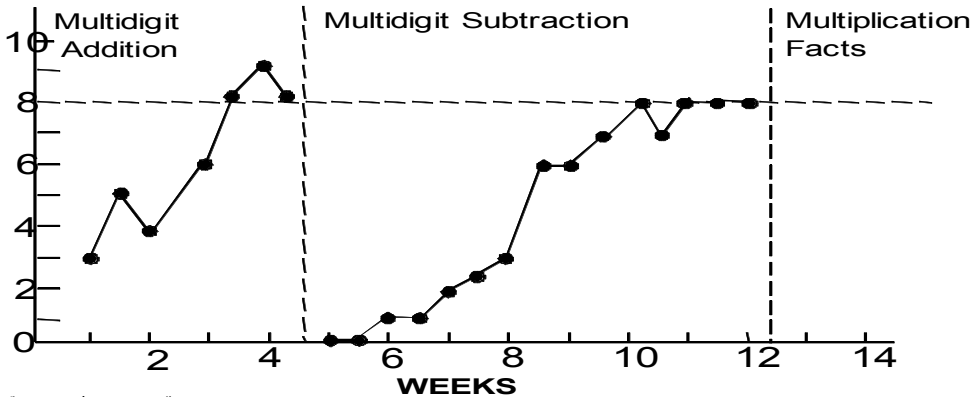
literacy and numeracy. While CBMs do not measure all aspects of reading or math, they do serve as a predictive indicator of academic competence in these fundamental content areas and are considered general outcome measures. CBM are efficient, standardized assessments that take only a brief time to administer and score. Therefore CBM allows educators to formatively evaluate their instruction on a frequent basis. Oral reading fluency probes, math concept and application probes and letter naming fluency are examples of CBM. Student performance can be compared to local and national norms. In addition, graphing performance on these measures assists teachers' communication about student performance with students, parents and other professionals. Data from CBM can be used to identify individual student performance level, at risk students, effectiveness of instruction and rate of progress. In sum, CBM is an effective assessment procedure for both screening and progress monitoring.



Curriculum-Based Measurement of Grade 4 mathematics progress monitoring with Math Concepts and Applications (M-CAP). Kendall's performance is discrepant from the performance of his grade level peers.

Mastery Measurement

A curriculum-based assessment procedure that assesses student progress toward mastery of a specific skill. They measure smaller domains of learning based on a predetermined criteria for mastery. While general outcome measures (GOMs) measure global skill automaticity, mastery measurement closely looks at one aspect or specific skill. For example, a math computation general outcome measurement would include a sampling of computation problems covered in an entire 2nd grade curriculum while a mastery measurement might assess just addition of 2-digit numbers. They are often teacher made assessments or included with the resources and materials used for instruction. Mastery measures are used to determine how much a student already knows about and where instruction should begin as well as determining when a student has mastered a particular skill taught. They help determine if the student is learning the specific skills as a result of an intervention. Educators can plan and modify instruction on an ongoing basis using mastery measurement.



Mastery Measurement of a student's performance on the skill of multidigit addition and subtraction. The next skill to be assessed is multiplication facts.

Interpreting and Analyzing Screening and Progress Monitoring Assessment Data

Assessment data must be analyzed and interpreted and the information obtained from it must guide instructional decision-making. Student performance data must be clearly understood by all involved in the expanding circle of support including students, parents and educators. Clear benchmarks for performance level and/or rate of learning must be defined so that screening decisions regarding at-risk status and intervention goals can be set. Over time, CBM data can be used to measure and graphically illustrate a student's rate of learning. Minimally four data points are necessary to make decisions about a student's response to instruction/intervention. Six to eight data points are necessary to establish trends and slopes of progress. Charts of skill mastery and graphs of CBM performance provide displays that are easy to understand. These displays of student performances offer a visual record of student progress and a communication tool to utilize the assessment information for data-based decisions.

Diagnostic Assessment and Instructional Planning Assessment

While screening and progress monitoring assessments are important for making decisions regarding need for support services, diagnostic assessments and instructional planning assessments are important for determining specifics regarding what curriculum content and instructional strategies should be the focus of instruction and intervention. Instructional planning assessments are formative assessments that all teachers use to determine what students already know and what students need to know so that instruction is appropriate for the learners in their class or intervention group. For example, teachers must use instructional planning assessments to determine students' reading levels to select appropriate texts for guided reading lessons. Diagnostic assessments more specifically pinpoint individual student's strengths and needs. A variety of diagnostic assessments are often used when problem-solving teams need more specific information about individual student performance to determine why students are not responding to instruction and what is necessary to improve student learning in the future. Such assessments include observations of student behavior and learning strategies, test of student's reading comprehension, analysis of student's expressive language skills, and interviews of students, teachers and/or parents. It is essential that these assessments account for the language, cultural and experiential characteristics of the learner. In sum, instructional planning assessments (and

diagnostic assessment when necessary) provide valuable information to educators about students' specific instructional needs.

Summary

Relevant assessment data is essential to guide instructional decisions in an RTI framework. Screening, progress monitoring, diagnostic and instructional planning assessments all contribute valuable information in an LEA's assessment system. Multiple approaches to assessment including reviewing records and performance, observation, interview and testing must be considered when making data-based decisions. These assessments must be coordinated with English Language Learner services and the evaluation process for determining student eligibility for receiving Special Education and related services. Student learning increases when LEAs utilize a comprehensive assessment system to make formative decisions about teaching and learning.

Part II: Referral and Evaluation for Special Education and Related Services

Overview of the Referral Process

Referral for special education eligibility consideration can be initiated at any time for a student who is suspected of having a disability. Either a parent/guardian of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability (§300.301). When a request is received, an LEA must conduct a meeting to review a referral for special education within 10 school days of receipt. A copy of the procedural safeguards must be provided to the parents upon initial referral or parent request for evaluation (§300.504). The referral is reviewed by the parent and a team of qualified professionals that includes individuals described in §300.321 and other qualified professionals, known as the Evaluation Team. In addition, when considering a student who is an English Language Learner, an ESL teacher, bilingual teacher, coordinator for ELLs, or other person knowledgeable in instruction and assessment of English Language Learners must be included. This team meets to determine if a special education evaluation is warranted.

Prior to any decision regarding referral of a student to an Evaluation Team for determination of eligibility for special education and related services as a student with a SLD, intensive interventions delivered in the general education setting to alleviate the educational problems shall be provided to the student. However, these interventions must not delay appropriate evaluation if the student is suspected of having a disability, regardless of the number of days or levels in such interventions the student has completed. A direct referral shall be made to the evaluation team if a student's educational problem(s) are such that a direct referral is warranted and can be supported and documented. A child who has not failed, is making academic progress, and is passing from grade to grade may still be suspected of having a disability (§300.101).

If an LEA declines a request for an evaluation, the LEA must issue a prior written notice as required under §300.503(a)(2), which states, "written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability within a reasonable time (ten school days) before the public agency refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a Free Appropriate Public Education (FAPE) to the child." A parent can challenge this decision by requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation.

Referral of student in an RTI process by problem-solving team

Special education eligibility consideration (referral for evaluation) can be initiated at any time for a student who is suspected of having a disability. For a student already participating in a Response to Intervention process, evidence of a significant academic skill deficit and insufficient progress, even when provided research-based interventions, could trigger the suspicion of a specific learning disability and a referral for evaluation. An additional consideration when making the referral might be the apparent need for ongoing and specialized supports and services in order for the student to benefit from the general education curriculum.

In deciding whether a referral for special education evaluation is warranted, the evaluation team must carefully examine all the information it has on hand. The group carries the responsibility of determining if additional information may be necessary before it can decide if there is a suspicion of a disability, and therefore a need for a special education evaluation. A judgment must be made on the sufficiency of the collected evidence on the curriculum and instruction the student has received, on the student's lack of response to that instruction and to a sequence of specific evidence based interventions. This judgment includes the fidelity of implementation of instruction and interventions. If the evidence is sufficient, the group will have an understanding of the curriculum, instruction and environmental conditions of the student's learning situation, the student's language proficiency, literacy level and achievement, rate of progress, and the intensity of intervention needed for the student to learn. Questions to consider as part of the referral process include:

- Does evidence exist that this student's achievement behavior differs significantly from that of other students with similar demographic characteristics?
- Does evidence exist that the core curriculum is effective for a high percentage of students, aligned with Grade-level/span expectations and includes evidence-based instruction targeted to and appropriate for the student's level of English proficiency and learning needs?
- Did the instruction and interventions provided to the student take into consideration the child's **cultural**, **linguistic**, **socioeconomic**, and **experiential** background?
- Do the interventions implemented represent Scientifically Based Research or represent instructional best practice for the student population being served?
- Were the interventions carried out with fidelity (i.e., carried out as prescribed)?
- Were the interventions provided for an adequate length of time?
- Were adjustments made to the interventions as a result of ongoing progress monitoring? (Were changes made to the intensity, duration or frequency of the interventions or were additional interventions implemented in response to student performance data?)
- Is the student benefitting from the interventions as evidenced in progress monitoring data?
- Was any diagnostic assessment administered for the purpose of informing appropriate instruction/intervention, particularly if the student was not responding adequately to early intervention attempts? If so, what were the results?

- Is there evidence of a significant achievement gap even after targeted and/or intensive intervention?
- Is the achievement gap with grade-level peers closing?
- Does the student need ongoing supports and services that cannot be maintained through general education alone in order to benefit from general education?

RTI does not replace the right of a child with a disability to be identified as such and to receive special education services. Caution should be taken not to delay a referral for special education evaluation beyond the point when the team should be suspecting a disability. If a referral to evaluate has been made, the LEA must conduct a meeting with the Evaluation Team to review the referral within 10 school days of receipt of the request. If the student is already participating in an RTI process, the school may continue to collect the student's response to intervention data up until the time of the eligibility meeting (and continue, as appropriate, based on the decisions made at the eligibility meeting). Additional evaluation data will be collected and any further assessments conducted according to the evaluation plan.

Referral by parent

Parents have the right to request a special education evaluation at any time. An LEA must conduct a meeting with the evaluation team to review the referral within 10 school days of receipt of the request. The team must utilize all available data, including any independent evaluation data shared by the parent, to determine if a special education evaluation is needed. If the LEA agrees with the parent that the child may be a child with a disability, then the LEA must evaluate the child. The team must review existing evaluation data on the child and determine whether additional data are needed to determine whether the child is a child with a disability and the child's educational needs. If the LEA does not believe an evaluation is warranted, prior written notice to the parents must be issued that addresses why an evaluation is not warranted. The parent can challenge this position by requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation.

Referral of student not in RTI process

The team must utilize all available data, including any independent evaluation data shared by the parent, to determine if a special education evaluation is needed. If the LEA agrees to proceed with an evaluation, the evaluation team must determine what evaluation information is needed to complete a full and individual comprehensive evaluation and obtain parental consent to evaluate the child. The sixty-day timeline for completing the evaluation begins when the LEA obtains parental consent. If the student has not been involved in a Response to Intervention process, appropriate intervention needs to be provided in the area(s) of difficulty and the student's response/progress regularly monitored. Data collected through this process will be utilized as part of the full and individual comprehensive evaluation. The criteria for eligibility as a student with SLD do not change. Parents should have a role on the problem-solving team as a Response to Intervention process is being implemented for their child.

Developing an Evaluation Plan

Once the evaluation team has determined that a special education evaluation is needed, the team must decide what evaluation information is needed. This information shall include the relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining whether the child is eligible for special education and related services and educational planning, including information related to enabling the child to be involved in and progress in the general education curriculum (§300.304).

A helpful framework (Hosp, 2006) for evaluation is utilizing RIOT (Review, Interview, Observe, Test) and ICEL (Instruction, Curriculum, Environment, Learner). The evaluation should utilize all methods of RIOT evaluation and all domains of ICEL to gain a full picture of the student and any factor that may be influencing the student's learning.

The first step in developing an evaluation plan is to review existing evaluation data on the child. This information includes

- Evaluations and information provided by the parents of the child (e.g., parent interview, medical evaluations, outside clinical evaluations, and developmental history)
- Current classroom-based, local, or state assessments (e.g., screening, formative, diagnostic, language proficiency, progress monitoring, and instructional planning/formative)
- Observations by teachers and related service providers of environment and/or instruction
- Interview (e.g. parents, teachers, student, cultural broker)
- Record review (e.g., attendance, curriculum, and discipline)

On the basis of this review, and input from the child's parents, the team must identify what additional data, if any, are needed to determine whether the child is eligible for special education and related services, as well as the educational needs of the child. The use of existing evaluation data is a part of the comprehensive evaluation. The group needs to ensure that a full and individual comprehensive evaluation has been completed; however, they may need few additional evaluative data beyond those presented at the referral stage to complete this evaluation. When there is a need for additional data, identification of the specific areas for further assessment must be identified. There may be need for assessment of an area not thus far considered, or additional data might be needed to add depth or detail to existing information on the student's achievement, progress and needed intensity of support.

Prior Notice and Consent for Evaluation

Prior to conducting an evaluation, the LEA must provide the child's parents prior written notice of the intent to conduct an evaluation for the purposes of special education eligibility consideration and obtain informed parental consent to evaluate the child. The evaluation procedures need to be documented on the prior written notice and consent to evaluate forms to ensure informed consent.

In the event that the evaluation team has determined that no additional information is needed for the full and individual evaluation to determine whether the child is a child with a disability and the child's educational need, parental consent to evaluate is not required. The determination that no additional data is needed, as well as the justification for the decision should be documented in the student's file and the evaluation procedures, tests, records or reports that support this decision should be referenced. In addition, the LEA must notify the child's parents of the determination that no additional data is needed; the reasons for that determination and their rights to request additional assessment are conducted. If the parent requests an additional assessment be conducted, the LEA must obtain informed parental consent prior to conducting that assessment.

Full and Individual Evaluation

A full and individual evaluation must be conducted to determine if an individual is entitled to special education and related services. The full and individual evaluation must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. Information collected during the RTI process is used along with additional assessments to assist in identifying effective interventions for a student experiencing difficulties.

The full and individual evaluation is completed by a team using a variety of assessment tools and data sources. Results from outside sources, including medical or mental health reports, should be considered but the team is not obligated to use or follow these recommendations when making educational decisions. The evaluation team will be responsible for reviewing the results of all previous interventions and will define any additional assessments which may be needed in order to determine eligibility for special education and related services.

Consistent with the regulations (§300.304) the child must be 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. A variety of assessment tools must be used to provide information regarding the individual's educational performance. No single assessment tool or measure, including RTI, can be used as sole criteria for determining eligibility. Assessment tools and measures must be technically sound, valid, reliable, current, and administered by trained and knowledgeable personnel in accordance with any instructions provided. In addition, the LEA must ensure that the child is observed in the child's learning environment to document the child's academic performance and behavior in the areas of difficulty (§300.310). In determining whether the child has a specific learning disability the evaluation team must either use information from an observation during routine classroom instruction and monitoring of the child's performance prior to the referral or conduct an observation of the child's academic performance in the regular classroom after parental consent has been obtained.

All assessment procedures, tests, and other evaluation materials used must be provided in the individual's native language or other mode of communication as appropriate, unless it is clearly not feasible to do so. Materials and procedures used to evaluate an individual with limited English proficiency are selected and administered to ensure that they

measure the extent to which the individual has a disability and needs special education, rather than the individual's English language skills. Tests and other evaluation materials are selected and administered so as not to be racially or culturally discriminatory. Any ecological factors (race, ethnicity, culture, language or life circumstances) that affect the individual's educational performance need to be described in the Educational Evaluation Report. The LEA must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

Eligibility Determination Team

The eligibility team for children suspected of having an SLD includes the child's parents and a team of qualified professionals. The team of qualified professionals must include the child's regular teacher (or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age) or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; a special educator, at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher (§300.308), and a representative of the LEA. In addition, when considering eligibility of a student who is an English Language Learner, an ESL teacher, bilingual teacher, coordinator for ELLs, or other person knowledgeable in instruction and assessment of English Language Learners must be included.

Reevaluation and Determination of Continued Eligibility

An LEA must conduct a reevaluation if the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parent or teacher requests a reevaluation. A reevaluation must occur at least once every three years and may not occur more than once a year unless the parent and the LEA agree otherwise. The student will remain a student with a disability and eligible for special education and related services unless there is data that indicates otherwise. Evidence may include documentation of a student's ability to benefit from the general education curriculum without the need for specially designed instruction.

Planning for reevaluations occurs in the same way as initial eligibility evaluations, with parents participating as team members. Existing data are reviewed by the IEP team and other qualified professionals, as appropriate, to determine if any additional data are needed. The focus of the review and evaluation meeting is on assessment of progress, responsiveness to interventions (the degree to which the special education services and related are addressing student "needs"), answering any specific and focused assessment or diagnostic questions, and planning future instruction and interventions.

Timeline from Referral to IEP Implementation

LEAs must adhere to all special education timelines regardless of whether the LEA is utilizing an RTI process or severe discrepancy process in determining eligibility for special education and related services under the category of specific learning disability. Please see the following page for guidelines on special education timelines.

Timelines for Referral, Evaluation (Initial and Reevaluation), Eligibility, and IEP Development/Implementation

Guidelines for Local Education Agencies*

Rhode Island Department of Education Office for Diverse Learners

Referral	
10 school days	The public agency must conduct a meeting of the Evaluation Team within 10 school days of the receipt of a referral to determine whether a special education evaluation is needed. The Evaluation Team is comprised of qualified professionals and the parent, including members described in §300.321.
10 school days	If an evaluation is needed, it must start no later than 10 school days after the receipt of parental consent to evaluate. (Should the parent not notify the agency of his/her consent within 5 school days, the agency must document its efforts to obtain consent. Should parental consent not be obtained with 15 school days, the Evaluation Team must reconvene.) If it is determined that an initial evaluation is not needed, the evaluation team shall consider referring the student's case back to general education for appropriate action.
Evaluation/Eligibility/IEP	
60 calendar days	Within 60 calendar days of parental consent to evaluate: Child must be evaluated and a written Evaluation Team report provided. An Eligibility Team meeting must be convened to determine whether the child has a disability and is in need of special education and related services. The Eligibility Team is comprised of qualified professional and the parent.
15 school days	If determined eligible, an IEP meeting convening members described in §300.321-322, must be conducted and an IEP developed within 15 school days.
10 school days	Following the development of the IEP, special education and related services must be made available in accordance with the IEP as soon as possible, but not later than by 10 school days.
Reevaluation	
60 calendar days	The public agency must conduct reevaluations and determine continued eligibility, and, when eligibility continues, make available continued services in accordance with timelines and provisions of reevaluation and evaluation procedures in § 300.303-311.
Not more than 1x per year	Reevaluation limitations: May not occur more than once per year, unless the parent and public agency agree otherwise; and
Every 3 years	must occur at least once every 3 years, unless the parent and public agency agree that a reevaluation is unnecessary.

*These guidelines are intended to assist public agencies with implementation of Regulations Governing the Education of Children with Disabilities adopted on December 19, 2007 by the Rhode Island Board of Regents for Elementary and Secondary Education and effective July 1, 2008. References regarding these timelines can be found in Regulations §300.300, § 300.301, §300.303-§300.311, §300.321, and §300.323.

Part III: Specific Learning Disability Determination

Specific Learning Disability (SLD) Eligibility Criteria

The Individuals with Disabilities Education Act of 2004 (IDEA) requires states to adopt criteria for determining whether a child qualifies for special education and related services as a child with a Specific Learning Disability. The Rhode Island Regulations Governing the Education of Students with Disabilities (July 1, 2008), requires all Local Education Agencies to use the State criteria when considering and/or determining whether or not a child is eligible for special education services under the SLD category. In addition to the eligibility criteria described below, each Local Education Agency must follow all other State regulations governing the referral process through disability determination.

Eligibility Options

Local Education Agencies (LEAs) shall use a process based on the student's response to scientific, research-based intervention (RTI) as described in these criteria in accordance with each school's specific grade level configuration and the timelines listed below:

- Elementary Schools September 1, 2010
- Middle Schools September 1, 2011
- High Schools September 1, 2011

LEAs may use the severe discrepancy model as described in these criteria until the timelines listed below become effective according to each schools specific grade level configuration:

- Elementary Schools August 31, 2010
- Middle Schools August 31, 2011
- High Schools August 31, 2011

The Commissioner of Elementary and Secondary Education may grant a waiver to delay required use of RTI to determine Specific Learning Disabilities for up to one year. LEAs must submit a completed RI RTI Implementation Checklist along with their request to be approved by the Commissioner.

RTI Process Basis: Criteria for Determination of Specific Learning Disability:

1. In one or more of the eight areas below the student's performance meets the description under Achievement Gap **and** Educational Progress

a) Achievement Gap Evidence from multiple reliable and valid sources indicate that the student's current achievement* of State-approved Grade Level/Span Expectations *and English Language Proficiency Standards* is significantly different than his/her peers relative to national normative data with consideration of state and local data when provided with learning experiences and instruction appropriate for the child's age or state approved grade level/span expectations. English Language Learners *shall additionally be provided with instruction appropriate for their English language proficiency.* (*after provision of appropriate general education learning experiences including at least two periods of intensive interventions implemented with fidelity).

b) Educational Progress The student does not make sufficient progress to meet age or State-approved Grade Level/Span Expectations *and English Language Proficiency Standards*, based on child's limited responsiveness to intensive scientific, research-based interventions which have been implemented with fidelity.

Insufficient progress is determined using multiple reliable and valid measures. The process of determining insufficient progress considers the student's rate of improvement towards meeting age or State-approved Grade Level/Span Expectations *and English Language Proficiency Standards* during intensive intervention, student's past rate of improvement, and a normative rate based on the response of his/her local age peers with consideration of national data.

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

2. Other considerations

Student performance in areas indicated above is not primarily the result of:

- A visual, hearing, or motor disability;
- Mental retardation;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage;
- Limited English Proficiency

The determinant factor of the findings is not any of the following:

- Student has lacked appropriate instruction in literacy
- Student has lacked appropriate instruction in math
- Student has had extended absences
- Student has had repeated change of schools
- Student has had an inconsistent or inappropriate educational program

3. Determinations

On the basis of the findings regarding this student's response to intervention (Achievement and Educational Progress) and the above considerations, a determination has been made that:

This student has a specific learning disability

and

Needs special education and related services

Severe Discrepancy Model Basis:
Criteria for Determination of Specific Learning Disability:

1. In one or more of the eight areas below the student's performance meets the description under Achievement Gap and Pattern of Strengths and Weaknesses

a) Achievement Gap Evidence from multiple reliable and valid sources indicate that the student's current achievement* of State-approved Grade Level/Span Expectations *and English Language Proficiency Standards* is significantly different than his/her peers relative to national normative data with consideration of state and local data when provided with learning experiences and instruction appropriate for the child's age or state approved grade level/span expectations. English Language Learners *shall additionally be provided with instruction appropriate for their English language proficiency.* (*after provision of appropriate general education learning experiences including at least two periods of intensive interventions implemented with fidelity).

b) Pattern of Strengths and Weaknesses: The student exhibits a significant pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

2. Other considerations

Student performance in areas indicated above is not primarily the result of:

- A visual, hearing, or motor disability;
- Mental retardation;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage;
- Limited English Proficiency

The determinant factor of the findings is not any of the following:

- Student has lacked appropriate instruction in literacy
- Student has lacked appropriate instruction in math
- Student has had extended absences
- Student has had repeated change of schools
- Student has had an inconsistent or inappropriate educational program

3. Determinations

On the basis of the findings regarding this student's achievement and severe discrepancy and the above considerations, the determination is

This student has a specific learning disability
and
Needs special education and related services

Eligibility for Special Education and Related Services as a Student with Specific Learning Disability

Rhode Island's eligibility process for special education and related services requires the consideration of four areas of interrelated data—gap data, progress data (or pattern of strengths and weaknesses), need data, and the context of each student's unique circumstances. This individual context includes racial, ethnic, social, cultural, familial, linguistic, and educational variables. The determination of initial eligibility for special education and related services is based on the results of a full and individual evaluation that is focused on identifying effective interventions, as well as determining the presence of an educational disability and need. The eligibility team must utilize information from a variety of sources which may include aptitude and achievement test results, parent input, teacher input, information about the child's physical condition, social or cultural background and adaptive behavior. The information obtained from these multiple sources must be documented (§300.306(c)).

Utilizing a process based on the **student's response to scientific, research-based intervention (RTI)**, the decision making process must lead to the following conclusions if a determination is made that the student has a specific learning disability (SLD) and is eligible for special education and related services:	Utilizing the **severe discrepancy model** the decision making process must lead to the following conclusions if a determination is made that the student has a specific learning disability (SLD) and is eligible for special education and related services:
Achievement Gap: The student's current achievement is significantly different than his/her peers.	Achievement Gap: The student's current achievement is significantly different than his/her peers.
Educational Progress: *The student does not make sufficient progress even after the provision of intensive intervention.*	*Patterns of Strengths and Weaknesses:* *There is a severe discrepancy between the student's achievement or performance and age, State-approved Grade Level/ Span Expectations and English Language Proficiency Standards, and/or intellectual development.*
Individual Context: Other factors, including racial, ethnic, social, cultural, familial, linguistic, and educational variables have been ruled out as the primary cause of the student's learning difficulty.	Individual Context: Other factors, including racial, ethnic, social, cultural, familial, linguistic, and educational variables have been ruled out as the primary cause of the student's learning difficulty.
Need: The student has a disability and requires special education and related services.	Need: The student has a disability and requires special education and related services.

Achievement Gap

Achievement gap can be defined as the difference between the student's level of performance on a standard compared to his/her peers' level of performance at a single point in time. In identifying the existence of a SLD, a determination must be made using evidence from multiple reliable and valid sources that a student's current level of performance

on State-approved Grade Level/Span Expectations and English Language Proficiency Standards is significantly different than his/her peers relative to national normative data with consideration of state and local data after the provision of at least two periods of intensive intervention. Interventions must have research base demonstrating effectiveness with students of the same background characteristics as target population. Many factors must be considered when defining a period of an intervention such as student age, skill area, language proficiency, intervention program recommendations from publisher for fidelity, etc. (Refer to the Overview of Response to Intervention Framework section in this guidance for more information regarding intensive interventions.) Multiple sources of data must be collected to document this significant discrepancy from the expected standards of performance.

In examining achievement gap for English Language Learners (ELLs) comparisons should be made to their ELL peers (students with similar educational backgrounds and at the same or very similar English proficiency level with respect to the four domains of language). Research by Cook (2009) examined student performance on the ACCESS across multiple WIDA Consortium states, including Rhode Island. ELLs shall additionally be provided with instruction appropriate for their English language proficiency according to the WIDA Can-Do Descriptors and Model Performance Indicators.

These four questions can guide the eligibility team through the decision making process when examining **achievement gap**.

1. What are the **multiple sources of data** that show that the student's performance is significantly different from that of peers and expected standards? (ex. State assessment results (NECAP/ACCESS), CBM scores, norm-referenced achievement test scores, district screening measure scores, criterion-referenced test reports, classroom performance measures (analyzed writing samples, running records, etc.))
2. How does the student's current level of performance compare to that of typical peers and expected standards (relative to national normative data with consideration of state and local data)?
3. In which of the following areas is there a discrepancy?
   - Oral expression
   - Listening comprehension
   - Written expression
   - Basic reading skill
   - Reading fluency skills
   - Reading comprehension
   - Mathematics calculation
   - Mathematics problem solving
4. Is the discrepancy significant?

Below are some examples of parameters for judging the significance of a discrepancy (significantly different than his/her peers relative to national normative data with consideration of state and local data). These are NOT intended to be absolute cut-points and the **convergence of multiple sources of data** needs to be considered by the eligibility team.

- On a standardized measure that reports percentile ranks, a score near or below the 10th percentile

- On a standardized measure that provides standard scores, a score that is at least 1.5 standard deviations below the mean
- Curriculum-Based Measure (CBM) results that include at least 6 data points that are near or below the 10th percentile (based on national norms)
- Criterion Reference Measures that compare student performance to GLEs and/or goals of the curriculum. (These may be included in curriculum materials or developed by district personnel.) A significant deficit would be indicated by results that are at or below 50% of grade-level expectancy. (For example, an expectation that a student answer grade level math application problems with 80% accuracy and a student's accuracy through repeated trials is 40% or less.)
- State assessment (NECAP/ACCESS) score in below proficient range
- District universal screening measure score that is significantly below grade-level peers. (For example, a student repeatedly scores near or below the 15th percentile when compared to other students in the district at the same grade level in a certain academic area.)

Scores on measures conducted in English cannot be considered valid or reliable for students who are documented to be in the process of learning English and not yet proficient. In addition, an ELL would likely be consistently low on all of these measures by virtue of his/her English proficiency level. Curriculum Based Measures or Criterion Referenced Measures aligned to ESL curriculum/instruction would be appropriate in examining achievement gap for ELLs. An ELL's performance should be compared to other ELLs in their same program *in addition* to his/her non-ELL peers. Since an ELL might be low on a standardized measure that is not normed on ELLs, it is important to examine the ELL's performance and progress on WIDA levels.

Educational Progress

To determine if a student's educational progress is sufficient, a student's rate of progress is compared to the expected rate of progress using evidence from multiple reliable and valid sources. In identifying the existence of an SLD, a determination must be made that the student does not make sufficient progress to meet age or State-approved Grade Level/Span Expectations and English Language Proficiency Standards, based on the student's limited responsiveness to intensive scientific, research-based interventions which have been implemented with fidelity. Intensive interventions are specifically designed systematic instruction for those **few** students who are not making sufficient progress with targeted interventions or who need a greater instructional intensity to accelerate their progress because of a more significant learning gap. Many factors must be considered when defining a period of an intervention such as student age, skill area, language proficiency, intervention program recommendations from publisher for fidelity, etc. (For more information regarding interventions, refer to the Overview of Response to Intervention Framework section in this document.)

These questions can guide the decision making process when examining **educational progress**.

1. Have the interventions been developed, implemented and monitored with fidelity?

A team must determine if appropriate interventions were provided to the student by qualified personnel to address the skill deficit. They must review evidence that:

- Interventions were evidenced-based or represent instructional best practice for the student population being served and of sufficient intensity (e.g. Interventions should be described and documented on Intervention Plans, PLPs, etc). (Refer to the Overview of Response to Intervention Framework section in this guidance for more information regarding intensity.)
- Interventions were delivered with fidelity by qualified personnel (e.g. written observations of delivery of interventions, interview checklists or self evaluation checklists that monitor integrity of intervention).
- Interventions were implemented for a sufficient amount of time to allow changes to occur in the student's skills level. ("Sufficient" time will vary depending on such factors as initial baseline performance level, skill area, intensity of intervention, intervention program recommendations from publisher for fidelity, age of student, etc.)
- Changes were made to an intervention when progress monitoring data indicated that the student was not making progress (e.g. Intervention plans, Personal Literacy Plans, progress monitoring graphs, etc).

2. How does the student's rate of progress compare to the expected rate of progress?

The student's area of concern is defined in measurable terms, is monitored with an objective, valid, ongoing assessment tool that is directly linked to the area of deficit and monitored over a period of time to assure reliability. All progress monitoring tools and methodology must be culturally and linguistically appropriate. The data from monitoring is used to answer the above question. The student's baseline level of performance is established at the start of an intervention. A goal is decided upon that can be realistically reached in a reasonable period of time. The student's performance data is collected weekly to determine the student's response to the intervention. If the student's response is not consistent with the goal, changes are made to the intervention. A comparison of expected rate with actual rate is made.

When making decisions about rate of educational progress, teams must clearly identify the standard to which progress will be compared. Three standards for evaluating students' rate of progress have been identified: Research Sample Norms, Local School/District Norms and Criterion-Referenced Benchmarks (Hoover, 2009; Shapiro, 2008; Shinn, 1989). In each instance, individual student's growth rates are compared to the expected rate of progress within each grade as found in a research sample, a local norm sample or an expected rate of progress to meet criterion-referenced benchmarks or grade-level equivalents. In Rhode Island the process of determining insufficient progress to determine eligibility considers the student's rate of improvement towards meeting age or State-approved Grade Level/Span Expectations *and English Language Proficiency Standards* during intensive intervention, student's past rate of improvement, and a normative rate based on the response of his/her local age peers with consideration of national data.

Below are some parameters for comparing the student's rate of progress to the expected rate of progress in order to judge sufficiency or lack of sufficiency. These are NOT intended to be absolute cut-points and the convergence of multiple sources of data must be considered by the eligibility team.

- Given equal or enhanced opportunities, student's rate of learning is significantly lower than normative rate of progress of grade-level peers.
- Performance on progress monitoring measures does not increase when provided with evidence-based interventions of sufficient intensity that address skill deficits.
- Performance on progress monitoring assessments collected over a series of time indicate the student's rate of learning will not close his/her performance gap with grade-level peers in a year of time.
- Performance on local assessments where student's initial (baseline) gap and the gap at the end of two periods of intensive interventions is the same. Many factors must be considered when defining a period of an intervention such as student age, skill area, intervention program recommendations from publisher for fidelity, etc. (Refer to the *Overview of Response to Intervention Framework* section in this guidance for more information regarding intensive interventions.)

Documentation of progress monitoring should include both a visual display of student's response to intervention (i.e., aim line, trend line) and a quantitative index of student's rate of improvement determined by the student's slope of progress. Rate of improvement is the amount of improvement divided by the time devoted to it. Information on progress monitoring assessments and calculating slope of progress can be found at National Center of Progress Monitoring (www.progressmonitoring.org), RTI Action Network (www.RTInetwork.org) and Vanderbilt University's IRIS Center (www.iris.peabody.vanderbilt.edu).

As with achievement gap, Curriculum Based Measures or Criterion Referenced Measures aligned to ESL curriculum/instruction would be appropriate in examining progress for ELL students. An ELL's performance should be compared to other ELLs in their same program *in addition* to his/her non-ELL peers. Since an ELL might be low on a standardized measure that is conducted in English, a language the learner is still in the process of learning, and also not normed on ELLs, it is important to examine the ELL's progress on WIDA levels. Research by Cook (2009) examined student progress on the ACCESS across multiple WIDA Consortium states, including Rhode Island. This data would need to be considered when examining an ELL's expected rate of progress to see if the student is progressing in learning English at about the same level as the student's ELL peers.

Pattern of Strengths and Weaknesses

Consistent with the state criteria LEAs may still utilize a severe discrepancy process until September 1, 2010 for elementary schools and September 1, 2011 for middle and high schools unless the district requests a waiver to continue to utilize a severe discrepancy process for an additional year. The process for utilizing severe discrepancy model to determine eligibility for a specific learning disability is the same as utilizing an RTI process except that in lieu of demonstrating insufficient educational progress, a student must demonstrate significant pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development.

The analysis of strengths and weaknesses will identify whether the student has a severe discrepancy between achievement or performance and age, State-approved Grade Level/ Span Expectations *and English Language Proficiency Standards* and/or intellectual development. The degree of discrepancy considered severe will vary and should take into consideration the student's age, previous and current instruction and interventions, cultural factors, and English language proficiency.

Individual Context

Upon completion of the evaluation, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability. The LEA provides a copy of the evaluation report and the documentation of determination of eligibility to the parent. Consistent with §300.306(b), regardless of the type of disability suspected, a child must not be determined to be a child with a disability if the determinant factor for that determination is lack of appropriate instruction in reading or math, or limited English proficiency. In addition, other exclusionary factors, including a visual, motor or hearing disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency (§300.309(a)) must be ruled out as the primary cause for a student's learning difficulties.

These four questions can guide the decision making process when examining the **individual context** of the student's unique circumstances**.**

1. Has the student received appropriate instruction in reading, including the essential components of reading instruction?

   The team must be confident that the core curriculum is:

   - High-quality and comprehensive
   - Culturally and linguistically appropriate
   - Evidenced-based
   - Aligned with state and local grade level and grade span expectations
   - Includes the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary and comprehension)

2. Has the student received appropriate instruction in math?

   The team must be confident that the core curriculum is:

   - High-quality and comprehensive
   - Culturally and linguistically appropriate
   - Evidenced-based
   - Aligned with state and local grade level and grade span expectations
   - Aligned with the National Council of Teachers of Mathematics Focal Points

   The team must ensure that the student has had consistent access to appropriate educational opportunities without a history of excessive absences or high residential mobility resulting in frequent school change. If an SLD determination cannot be made

due to concerns regarding lack of appropriate instruction, attempts must be made to ensure that appropriate instruction is provided and that the student's response to that instruction is documented. A referral for special education and related services may be appropriate if after appropriate instruction and intervention a student is not making sufficient progress.

3. Has Limited English Proficiency (LEP) been ruled out as the primary cause of the student's difficulty?

As a consideration for determination of Specific Learning Disability lack of student performance due to Limited English Proficiency must be ruled out as the primary cause. The presence of Limited English Proficiency does not preclude a determination of a specific learning disability, as it may coexist with a learning disability.

Students in the normal process of acquiring English language skills experience similar, if not identical, difficulties as students identified with specific learning disabilities. Proficiency in everyday concrete social conversations may take up to two years, while academic language (the language used for academic content learning at school across content areas) may take five to seven years to develop or more where factors such as limited formal schooling are involved. Proficiency in conversational fluency is not a good indicator of academic language proficiency or academic success. When determining academic achievement, the consideration should be whether a student understands concepts in context rather than a student's independent language proficiency.

When deciding whether a student who is an ELL meets eligibility criteria for SLD, whether the student has failed to achieve at a similar rate as a comparable group of ELLs and the following should be taken into consideration:

a) Has the student been given an English language proficiency test?

- LEAs in Rhode Island utilize the W-APT (WIDA Access Placement Test) to screen the English language proficiency of newly enrolling students identified as potential ELLs. This screening tool is aligned to the WIDA Summative English Language Proficiency Standards (ELPS) and the ACCESS for ELLs®. It produces a proficiency score that helps schools provide ELL students with the most appropriate instruction for their English proficiency level.
- All English Language Learners shall be evaluated once a year through the state's English-language proficiency test, ACCESS for English Language Learners. When a student fails to progress appropriately within the ELL program, other assessment procedures shall be used to determine the reason for the lack of progress. Appropriate instructional interventions shall be provided (RI Regulations Governing the Education of English Language Learners, 2008 Section L-4-14).

b) Is the student receiving or has the student received English Language Learner (ELL) instructional services in accordance with the RI Regulations Governing the Education of English Language Learners? Does the LEA have a plan for monitoring and overcoming academic deficits while acquiring English? Has this plan considered:

- Meaningful access to the core curriculum which includes appropriate ELL supports within the classroom

- English language instruction aligned to GLEs/GSEs and built upon the WIDA standards, model performance indicators, and Can-Do Descriptors
- Use of the native language, as appropriate and feasible

c) Has growth in English language proficiency been measured over time and compared to similar data from ELL peers? It must be shown that a student has demonstrated an atypical growth pattern when compared to a similar group of English language learners, after effective ELL instructional services have been in place and after a student has not adequately responded to additional intervention that is appropriate to the student's cultural and linguistic needs. Information on student growth on the ACCESS can be found in WIDA Focus on Growth on the RI Department of Education website, http://www.ride.ri.gov/applications/ell/professional-development/

Has the student had access to consistent instructional programming or been moved between ESL and bilingual programs or has the student had periods of education in his/her home country in between periods of education in the United States? Following an RTI model, student progress in a language acquisition program should be regularly monitored to determine whether a student (or group of comparable English language learners) is progressing in the curriculum with ELL instructional program supports prior to determining additional interventions through the RTI process. ELL instructional services, although important and necessary, should not be the only interventions considered under the RTI process. They should be considered part of core instruction prior to determining whether intervention for smaller groups of individuals, or individuals within that group, is needed.

d) Has consideration of a student's learning capabilities in the primary language been included as part of the rule out process? Abilities in the primary language as evidenced by parent/family input or other knowledgeable/trained individual in the areas of oral language, listening, reading and/or writing, should be considered as part of an assessment.

Does the school have culturally and linguistically competent practices in place? Have cultural and linguistic factors been included in the evaluation process and do these include knowledge of: length of time and exposure to English language acquisition, input from family regarding student's learning history and whether the student is proficient in the native language, the student's previous school experience(s), student's level of acculturation, and efficacy of prior and current English language acquisition programs. Culture shock can affect the learning of an ELL. Culture shock is a period when the individual feels an unsteady balance between home and school and when a learner's efforts can seem artificial and pointless to them (Collier, 2008). Cultural brokers or parent liaisons that are from the student's community are often helpful to determine if the patterns of behavior are reflective of cultural differences.

e) Has the team determining support services and developing interventions included an individual knowledgeable in second language acquisition and has this individual, or a similar individual, been part of the evaluation process for determining whether the student meets eligibility criteria for SLD?

4. Have exclusionary factors been considered? The team must ensure that the difficulties that the student is experiencing are not primarily a result of a visual, motor or hearing disability or the result of mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage or limited English proficiency (§300.309(a)).

A visual, hearing or motor disability

The presence of a visual, hearing, or motor disability does not preclude a determination of a specific learning disability, as one or more of these disabilities may coexist with a learning disability. The team must make the determination that the student's learning difficulties are not primarily the result of a visual, hearing, or motor disability. If a student has a visual, hearing, or motor disability, then the team must consider whether the learning difficulties are significantly greater than would be reasonably expected if the student had a visual, hearing, or motor disability alone. Although many students will have had health screenings to identify these disabilities, some students may have not had access to them. The team must obtain and review health records such as vision, hearing and motor screenings to make this determination.

Mental retardation

A team suspecting that a student's learning difficulties may be due to a significant cognitive disability should include assessments in the comprehensive evaluation to determine if the student meets the criteria for the Mental Retardation disability category. The evaluation may include assessments of adaptive behavior, intellectual functioning, and performance across academic areas.

Emotional disturbance

A social emotional and/or behavioral disability may co-occur with a learning disability. The team must determine if both are present, if the specific learning disability is the primary disability. This is a challenging task as sometimes difficulties in one area may lead to difficulties in the other. Assessments that may be included as part of a comprehensive evaluation for a student demonstrating social, emotional, and/or behavioral difficulties include behavior screenings, data such as attendance records and office referrals, behavior checklists, rating scales, and Functional Behavior Assessments. If social, emotional, and/or behavioral difficulties are assessed to be impacting academic performance and learning, it is important that they are considered in educational planning, even if the student is eligible for special education as a student with a specific learning disability.

Cultural factors

When considering eligibility for special education, especially of an English language learner, school personnel need to develop an understanding of differences in culture and acculturation. Cultural differences can affect learning of students in two ways (Hamayan et.al, 2007). First, they provide a context for making sense of the world through which all new learning occurs. This could lead to misunderstanding or misinterpretation of new learning. Second, culture can affect the student's general level of comfort about his/her place in the school environment. The student's and the student's parent's/guardian's level of acculturation should be determined using an acculturation measure. Interviews with families will be important to gather information regarding cultural differences and adjustment to the

new culture which may be impacting student learning. In some cases, the student may be exhibiting behavior that is typical during the acculturation process (Hoover & Collier, 1985). In addition, the results of district achievement tests which compare the performance of subgroups in the district should be examined to determine if there are group differences.

Environmental or economic disadvantage

Families will play a large role in determining whether environmental or economic factors play a primary role in a student's learning difficulties. Family interviews and developmental histories can assist in gathering the necessary information to determine any affects of environmental or economic disadvantage. Data that will assist in making this determination are results of district achievement tests which compare the performance of students of similar socioeconomic level.

Limited English proficiency

Please see section above.

Determination of Need

The student meets the criteria for a specific learning disability if evidence from multiple data sources demonstrates that a student's current achievement is significantly discrepant from his/her peers and the student does not make sufficient progress even after the provision of intensive interventions. In addition, exclusionary criteria have been applied.

A determination of need for special education and related services concludes that the student requires ongoing and specially designed instruction and supports services in order to ensure FAPE and benefit from the general education curriculum. In addition, the educational interventions required by the student to be successful cannot be sustained without special education and related services.

Special education refers to specially designed instruction that will meet the unique needs of the student with a disability. Specially designed instruction means instruction that has been adapted in its content (curriculum), methodology (instructional strategies), or delivery (how the content and instruction be delivered). This instruction is specially designed to address the unique needs of the student that result from the student's disability so that the student can be involved and make progress in the general education curriculum, can participate in extracurricular and other nonacademic activities, and can be educated and participate with other children with disabilities and with non disabled children. (RI Department of Education & Rhode Island Technical Assistance Project, 2008)

These three questions can guide the decision making process when examining the **need**.

1. What are the student's needs in the areas of instruction, curriculum and environment?

   In order to make a decision regarding the instructional needs of a student, the eligibility team needs to consider what is known about the student in relation to the instruction, curriculum and environment of the school (Refer to problem solving in Overview of Response to Intervention Framework in this guidance for more information.)

2. What are instructional strategies that will accelerate the learning of the student? Are ongoing, substantial, additional services needed that cannot be provided by general education?

   The team needs to consider the interventions that have been implemented and the student's response to them. Participants in planning utilize evidence on what accelerates learning for this student. Given equal opportunity to learn (i.e. fidelity of instruction and appropriate learning supports and conditions), is the student's learning rate insufficient to meet expectations over time? What does it take — or is it projected to take — for this student to learn at a sufficient rate? Will progress be maintained if instructional supports are taken away? It would be appropriate for the team to consider information about outside or extra learning support provided to the child or about any modifications or compensatory strategies used by the child when assessing whether the child achieves commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels. The process should lead to conclusions about what is needed to enable learning for the student in the areas of curriculum, instruction and learning environment.

3. Does the student require special education to meet his/her needs?

   Evidence in this area informs educational planning. This evidence assists in identifying how the student needs to be taught and what it will take for him/her to be successful. How significantly does what this student needs differ from the provision of curriculum and instruction in the general education program, which includes comprehensive evidence-based instruction, differentiation of instruction, supplemental classroom instruction and accommodations, and precise measurement of progress? How much additional, different support does this student need in order to learn? Does the student need specially designed instruction to ensure access to the general education curriculum so that he/she can meet standards?

Documentation of Eligibility

As for all disability categories, parents/guardians must be provided a copy of the evaluation report and documentation of determination of eligibility (§300.306(a)(2)). The evaluation report needs to include descriptions of the sources of information and a summary of relevant findings. There are additional requirements specific to the documentation of the determination of eligibility for a child suspected of having a specific learning disability.

First, the documentation must include a statement of:

- Whether the child has a specific learning disability
- The basis for making the determination including that multiple sources of data were utilized as described in the evaluation section of this document and documented.
- The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning
- Educationally relevant medical findings, if any
- Whether the child does not achieve adequately to meet state approved grade-level expectations **and** does not make sufficient progress to meet grade level expectations

Second, the report must include evidence that:

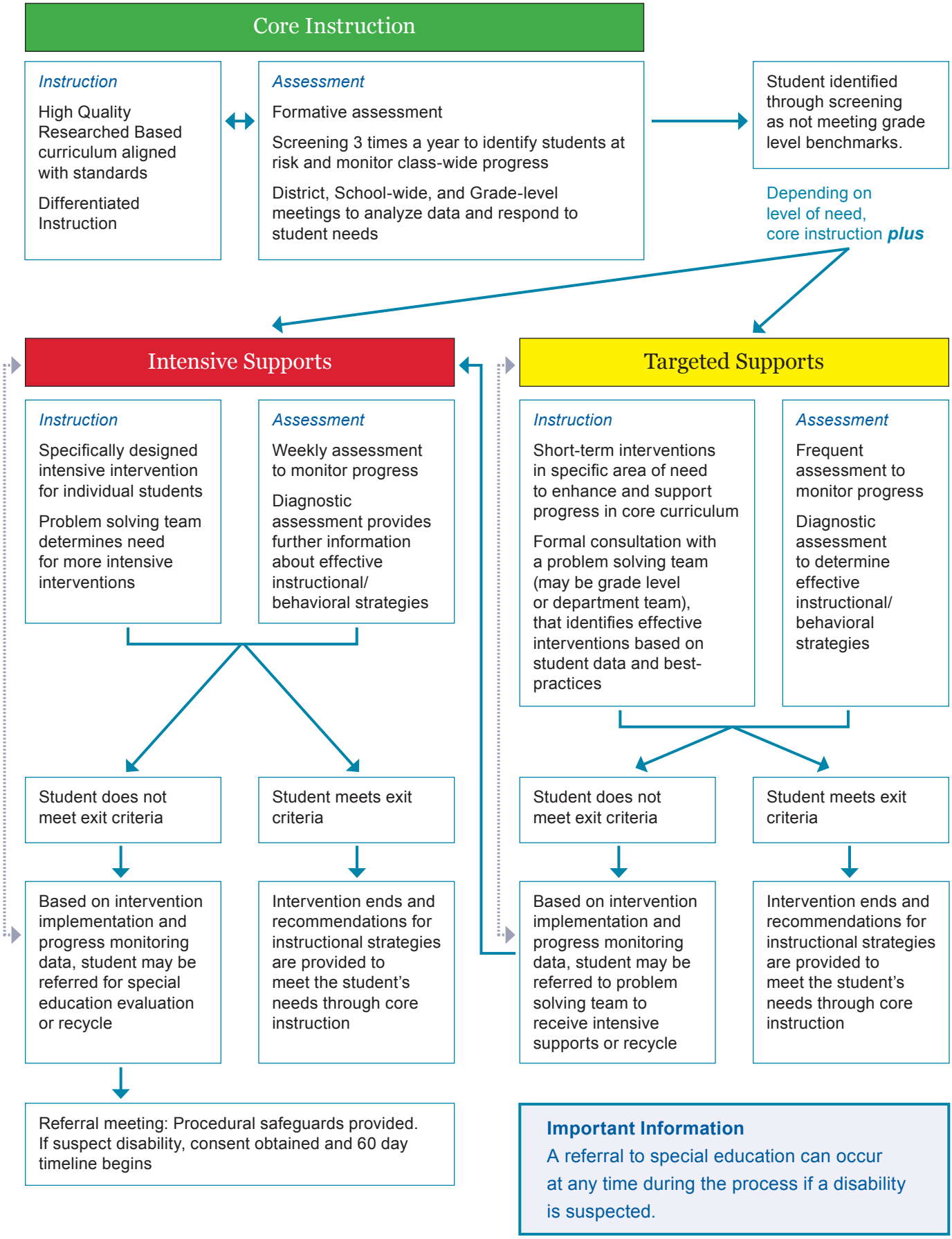
- The team has considered and documented that eligibility is not due to lack of appropriate instruction in reading, including the essential components of reading instruction, delivered by qualified personnel, lack of appropriate instruction in math, delivered by qualified personnel, or Limited English Proficiency.
- The team has considered the exclusionary factors and made the determination that the findings of learning difficulties are not primarily due to any of the following factors. (Specific documentation should be provided for any relevant factors.)
    - A visual, hearing, or motor disability
    - Mental retardation
    - Emotional disturbance
    - Cultural factors
    - Environmental or economic disadvantage
    - Limited English proficiency

Finally, the report must include documentation of the child's participation in a process that assesses the child's response to scientific, research-based intervention (prior to or as part of the referral process). Specific documentation includes:

- Instructional strategies used and the student-centered data collected, including repeated assessments of achievement at reasonable intervals
- Documentation that the parents were notified of:
    - The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
    - Strategies for increasing the child's rate of learning;
    - Results of repeated assessment of child's progress; and
    - The parent's right to request an evaluation.

Appendices

Appendix A: Rhode Island Response to Intervention Flowchart



Appendix B: Response to Intervention (RTI) Implementation Self-Assessment

LEA: _____ Level: _____
(Elementary, Middle or High School)

Please complete this self-assessment in its entirety. Indicate the level of implementation that best describes the school level as a whole (i.e., only choose level 4 if all schools have the condition well established). Please provide an action plan item for each indicator which is described as a level 1 or 2.

Response to Intervention (RTI) Implementation: Self-Assessment	Level of Implementation				Evidence
	1. Do not do this in our school	**2.** Starting to move in this direction	**3.** Making good progress here	**4.** This condition well-established	
I. Problem-Solving Process					
Problem-solving is utilized at the student, school and district level as a function of grade-level teams, building-based problem solving teams, special education teams and school improvement teams					
Problem-solving is implemented in a systematic way (problem identification, problem analysis, plan development, plan implementation, plan evaluation) and supported through effective facilitation and leadership					
Data is used to guide decision-making throughout the problem solving process					
Problem-solving teams include representation among general educators and specific program area specialists (e.g. Special Education, ELL, Title I, Reading, Math, Guidance, etc.)					
Parents/families are partners in the process from the beginning					
Problem-solving teams focus on solutions and student outcomes rather than eligibility to special education					
Comments:					

LEA: _____ Level: _____
(Elementary, Middle or High School)

Response to Intervention (RTI) Implementation: Self-Assessment	Level of Implementation				Evidence
	1. Do not do this in our school	**2.** Starting to move in this direction	**3.** Making good progress here	**4.** This condition well-established	
II. Shared Responsibility					
Leadership of RTI is shared and distributed amongst general education and special education teachers and administrators					
Information on district RTI framework and problem solving process is widely disseminated to staff and families					
Parents and educators collaborate to improve student outcomes					
All students and families are part of ONE proactive responsive educational system					
Educators and families believe that all students can learn and that we can effectively teach them					
RTI practices are implemented with fidelity to create a unified system of support that promotes achievement for all students					
Comments:					

LEA: _____ Level: _____
(Elementary, Middle or High School)

Response to Intervention (RTI) Implementation: Self-Assessment	Level of Implementation				Evidence
	1. Do not do this in our school	**2.** Starting to move in this direction	**3.** Making good progress here	**4.** This condition well-established	
III. School-Wide Instruction and Intervention System					
A systematic and systemic continuum of universal, targeted and intensive instruction and supports exists that is culturally and linguistically appropriate, evidenced-based and responsive to student needs					
The continuum is built on a guaranteed and viable core program of study provided in the general education classroom that is enhanced though evidence-based culturally and linguistically appropriate and differentiated instruction					
Targeted, culturally and linguistically appropriate evidenced-based, small group and/or individual interventions are provided to students to support and enhance the core program of study to meet academic and behavioral needs					
Intensive, culturally and linguistically appropriate evidenced-based, small group and/or individual interventions are provided to students to support and enhance the core program of study to meet academic and behavioral needs					
Interventions are documented and reviewed often to ensure communication and coordination between administrators, classroom teachers, intervention providers, parent and students					
Intervention plans include frequency, intensity, and duration of intervention, as well as progress monitoring plans and timelines					
Allocation of staff is flexible across educational roles in response to availability and expertise					
Staff have expertise/training and resources to provide interventions with fidelity					
Comments:					

LEA: _____ Level: _____
(Elementary, Middle or High School)

Response to Intervention (RTI) Implementation: Self-Assessment	Level of Implementation				Evidence
	1. Do not do this in our school	**2.** Starting to move in this direction	**3.** Making good progress here	**4.** This condition well-established	
IV. Data-Based Decisions Using Screening and Progress Monitoring Data					
Assessments are reliable, valid, aligned with the curriculum, and free from bias					
Decisions regarding student learning and instructional needs are based on multiple sources of data and include various types of assessment (screening, progress monitoring, diagnostic and instructional planning)					
Comprehensive assessment system provides for regular **screening** of students to identify at risk students, monitor the progress of all students and evaluate the effectiveness of the core instruction					
Comprehensive assessment system provides for **progress monitoring** of students who are not performing at expected levels to guide instructional decisions and determine students' rate of learning					
Curriculum-based measurement and mastery measurement are used to monitor student progress					
Systems are in place for collecting assessment data, entering data, managing data and analyzing data in order to make instructional decisions in an efficient way					
Structured data conversations occur on a regular basis to drive instructional decisions including changes to interventions					
Comments:					

LEA: _____ Level: _____
(Elementary, Middle or High School)

Response to Intervention (RTI) Implementation: Self-Assessment	Level of Implementation				Evidence
	1. Do not do this in our school	**2.** Starting to move in this direction	**3.** Making good progress here	**4.** This condition well-established	
V. SLD Eligibility					
All key district/school staff are knowledgeable of the RI Criteria and Guidance for Learning Disability Determination Process					
Building-based problem solving teams make appropriate special education referrals (evidence of a significant academic skill deficit and insufficient progress, even when provided with research-based interventions and/or need for ongoing and specialized supports for student in order to benefit from the general education curriculum)					
Evaluation Team members carefully and knowledgeably examine all information on hand to determine if additional information is necessary before it can decide if there is a suspicion of a disability and a need for a special education evaluation (sufficiency of collected evidence on the instruction the student has received, and on the student's lack of response to it and a sequence of specific interventions)					
Evaluation procedures address the process used to identify students who are not represented in the norming population of individual assessments and may include alternative assessments and testing in both the native/home language and English.					
Evaluation Team (if there is a suspicion of a disability) develops a comprehensive evaluation plan that includes curriculum, instruction and environment conditions of the student's learning situation, the student's achievement, rate of progress and intensity of intervention needed for student to learn using data already collected and any additional needed information					
The comprehensive special education evaluation is completed with parental consent within appropriate timelines and documented					
Eligibility determination is made based on Specific Learning Disabilities (SLD) Eligibility Criteria					
Comments:					

Action Plan

LEA: _____ Level: _____ Date: _____
(Elementary, Middle or High School)

Indicator or Sub-Topic	Specific Actions	Resources	Timeline	Who Responsible	Evidence of Change

Planning Team: _____

Appendix C: Frequently Asked Questions

1. Can parents request an independent educational evaluation (IEE) at public expense when a school district is utilizing RTI as part of the process to determine eligibility for Specific Learning Disabilities?

   Yes, If a parent disagrees with the results of a completed evaluation that includes a review of the results of a child's response to intervention process, the parent has a right to an IEE at public expense, as per §300.502(b)(2) through (b)(4). The parent, however, would not have the right to obtain an IEE at public expense before the public agency completes its evaluation simply because the parent disagrees with the public agency's decision to use data from a child's response to intervention as part of its evaluation to determine if the child is a child with a disability and the educational needs of the child.

   Comments of the Office of Special Education and Rehabilitative Services, 71 Federal Register 46689-46690 (August 14, 2006)

2. Do we still need to complete a full and individual comprehensive evaluation if we are using RTI?

   Yes, the data from an RTI process can be considered as one component of a full and individual evaluation, however LEAs must still use a variety of assessment tools and strategies in determining whether the child is a child with a disability and the content of the child's IEP (§300.304(b)(1)). The LEA may not use any single measure or assessment, including RTI, as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child (§300.304(b)(2)).

   In rare instances, if the problem solving team has gathered data from multiple data sources, a team may conclude that no additional evaluation information is need to complete the comprehensive evaluation. In order to make this determination a team must be sure that the child has been 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. In addition, the LEA must ensure that the child is observed in the child's learning environment to document the child's academic performance and behavior in the areas of difficulty (§300.310). The team must conclude that they have enough information to determine eligibility as well as the educational needs of the child. Below are some questions teams may consider when determining what additional information may be needed when developing an evaluation plan.

   - Has the child been assessed in all areas related to the suspected disability?
   - Do we have multiple valid and reliable sources of data to determine if an achievement gap exists and if sufficient progress has been made?
   - Do we have multiple valid and reliable sources of data to determine if any of the exclusionary criteria apply?
   - Do we have enough information to determine if the child needs special education and related services?

- Has an observation been conducted?
- Do we have any additional questions about how this child learns and what the child will need to benefit from the general curriculum?

3. Will utilizing an RTI process delay identification?

When the RTI process is used, students who have learning gaps will be spotted early (often even before students with learning challenges would ordinarily begin the process for special education evaluations), their emerging needs will be identified, research based interventions will be provided without any delay and data will be collected on progress. If the student does not make adequate progress, the data can be used as part of the eligibility determination for special education, and some students who do not qualify under previous IDEA eligibility criteria, may be able to receive special education services. In addition, students who have an IEP can also benefit from all that RTI has to offer to the same extent as any other student.

4. Does each child have to go through an RTI process or can a child just have a traditional assessment?

In Rhode Island all districts will be required to utilize RTI as part of special education eligibility for specific learning disabilities according to an implementation schedule outlined in the RI Specific Learning Disability Criteria. However, a parent may initiate a request for an initial evaluation for special education at any time during the RTI process. If an evaluation team determines that an evaluation is warranted, the student will begin receiving an intervention and data will be collected to utilize as part of the full and individual comprehensive evaluation.

5. What if a parent requests a referral to special education?

If a parent requests an evaluation, the Evaluation Team must meet within 10 school days (RI) of receipt of the request to determine if an evaluation is needed. If the team suspects a disability they must obtain parental consent for a full and individual evaluation. The 60 day timeline begins when consent is received and the team must complete a comprehensive evaluation, just as in the past. Schools with RTI in place find if they involve parents from the start, there are fewer requests of this kind.

6. What is the timeline for evaluation in a district is utilizing the RTI process?

The sixty (60) calendar day timeline for the completion of Evaluation begins on the date in which parent consent for evaluation is obtained by the LEA. RIDE hopes that RTI is utilized and/or is successful long before a request for an evaluation occurs. However, the 60-day timeline must encompass RTI practices. If the parent requests an evaluation before the interventions have been completed, the district must complete general education interventions concurrently with the evaluation but prior to the determination of the student's eligibility. Parents are to receive frequent progress monitoring updates throughout the RTI process in such a way that they are assured of actions taken to improve their child's educational outcomes and the results of those actions.

7. Do we still use Intelligence Tests and/or Published Tests of Achievement?

Although not specifically required when using RTI to determine specific learning disabilities, an IEP or Evaluation team may use published, standardized, norm-referenced

tests of aptitude or achievement as part of a child's Full and Individual Evaluation if the parents have consented to the use of such tests and the IEP or Evaluation team believes such assessments would yield instructionally relevant information not available from another source. All assessments must be selected as valid and reliable for the student population being assessed.

8. Can we utilize only data from progress monitoring to determine eligibility?

No, a full and individual evaluation needs to be completed. Evaluation teams may not rely on sole sources of data for decision-making around eligibility and need for special education. Multiple sources (review, interview, observation, test) from multiple domains (instruction, curriculum, environment, learner) are needed to substantiate eligibility decisions.

9. If we are not utilizing the RTI process as part of the SLD determination process yet do we still have to provide interventions and collect progress monitoring data?

Yes, Eligibility Teams are required to consider intervention and student progress data consistent with §300.309, regardless of the method utilized as described in the State SLD eligibility criteria, when making eligibility determinations. LEAs are encouraged to use the method of RTI to determine eligibility for SLD if the intervention and assessment systems in place provide valid and reliable data.

10. How do we know if a student is making progress?

RTI is about looking at learning rate and level of performance. It is about monitoring student progress in response to implemented instruction. Decisions about progress should be based on achievement goals set relative to Local School/District Norms, grade-level/span expectations, research sample norms, and Criterion-Referenced Benchmarks. Student rate of learning/progress should improve with increases in intensity of instruction and intervention.

The progress and decision about eligibility or need for more intense instruction or programs is based on:

- the student's response to intervention (learning rate) within a reasonable period of time in comparison to progress of grade-level peers and intervention group peers, as well as individual student's previous rate of improvement during prior instruction and interventions.
- the significance of the gap (level of performance) between the student and benchmark/peers

In other words to determine if a student is making progress we must consider how "much" the student improves, and how "fast" the student improves in comparison to his/her peers.

11. How would an LEA determine eligibility using an RTI model and the adequacy of instruction for a student who attends a private or religious school or is being home-schooled is suspected of having an SLD?

An LEA, in determining whether a child who attends a private or religious school, or is being home-schooled has a specific learning disability, must still determine what

instruction/intervention has been provided and provide evidence of the child's learning. Many private schools collect assessment data that might permit a determination of how well a child responds to appropriate instruction and intervention. Similar data may be available for many children who are home-schooled. LEAs must work with private and religious schools, and parents of children who are home-schooled to develop processes and procedures to provide valid and reliable data about the curricula used and the student's progress with various teaching strategies for SLD determinations. Regardless of a child's response to intervention the Federal Regulations require that the determinant factor for the disability cannot be a lack of instruction in the essential components of reading or in math.

Appendix D: Forms

[insert LEA]
Interim - Draft as of 4/4/2010
Rhode Island

[ ] New Referral
[ ] Review
[ ] Re-Evaluation

Group Review Of Referral And Evaluation Or Re-Evaluation Report

Name_____ SASID _____ DOB _____

School _____ Grade_____ CA_____

Teacher _____

Parent Name(s)_____ Home Phone _____

Address _____

Student Language Proficiency_____ Language Spoken at Home_____

REFERRAL MEETING (Initial)_____ DATE: _____

Group Review of Evidence of Prior Instruction, Intervention, Achievement / Performance and Progress:

A) Description of appropriate, high-quality, research-based instruction provided in all educational settings and by trained personnel; interventions of appropriate type, progression and intensity, implemented with fidelity; and data indicating that frequent, repeated, appropriate assessments of this student's achievement/performance and progress were made, and that results were provided to the child's parents (summarize here or attach summary and indicate location of full documentation records, for example: previous intervention plans (PLPs, ILPs, BIPs), assessment results)

B) Student's achievement/performance (e.g. on assessment that measures progress towards Grade Level/Span Expectation; on district reading/math assessments; on behavioral observations and/or rating scales; on standardized norm-referenced tests; on language proficiency assessments)

Assessment	Child's Performance	Date Administered

Is the student's achievement/performance significantly different from his/her peers? YES___ NO___

C) Progress during Instruction and Intervention

1. Has the child received comprehensive classroom instruction (including supplemental strategies and differentiated instruction)? YES _____ NO _____

2. Has the child received individual and/or small group interventions and frequent progress monitoring with reliable and valid measures by classroom teacher and/or other personnel? YES _____ NO _____

3. Has the child received two periods of intensive interventions and weekly progress monitoring with reliable and valid measures (including clear evidence of fidelity of implementation)? YES _____ NO _____

If **NO**, what is lacking?	What needs to be done?	Who will do it?	Dates to be completed
Results of Additional Interventions and Monitoring: Date Meeting Reconvened: _____			

When the group has documented (A) and can document "YES" answers from both (B) AND (C1) through (C3), proceed to (C4)

4. Is the difference between the student's performance and that of his/her peers less at the end of period(s) of intensive interventions than it was at the beginning? (ie: Is the gap between the student's performance and his/her peers being closed?)

   ❑ **YES,** assessments indicate student's performance is no longer significantly different than his/her peers.

   Can the student's progress be maintained without intensive support?
   YES*_____ NO**____

   If* **YES*, describe effective strategies and interventions.*
   If* **NO, proceed to consider suspicion of disability.*

Effective Strategies, Interventions and Supports (consider curriculum, instruction, environment):

   ❑ **NO**, assessments indicate that even with two periods of intensive intervention student's performance is still significantly different than his peers. S/he has not made sufficient progress, proceed to consider suspicion of disability and revise interventions being provided.

When the group has completed sections (A), (B) ***AND*** *(C) above, proceed to consider suspicion of disability*

Suspicion Of Disability:

Given the inadequacy of this student's achievement/performance, and the student's progress during intensive interventions is there a suspicion that the student might have a disability?

YES _____ NO _____

If **NO**, consider supports needed within general education.

If **YES**, proceed to the assessment questions.

Referral Meeting (Re-Evaluation) Date: _____

Evidence of Prior Instruction, Intervention and Progress:

Description of appropriate, high-quality, research-based instruction provided in all educational settings and by trained personnel; interventions of appropriate type, progression and intensity, implemented with fidelity; and data indicating that frequent, repeated, appropriate assessments of this student's achievement/performance and progress were made, and that results were provided to the child's parents (summarize here or attach summary and indicate location of full documentation records)

When evidence of prior instruction, intervention and progress has been shared and discussed by the group, you may proceed to the assessment questions.

EVALUATION OR RE-EVALUATION PROCESS

The Comprehensive Evaluation: If the group agrees there is a suspicion that a student may have a disability and is in need of special education and related services proceed to determine what questions about the student's performance and needs must still be answered before deciding if there is a disability.

Assessment Questions and Evidence Gathering:

After reviewing all the information already gathered, are there questions remaining before a disability determination can be made, confirmed or changed? If not, proceed to the next step, review of evaluation or re-evaluation information

Questions:	Evidence needed: information, interventions and/ or assessments	Person(s) responsible	Date Due	Date Done	Answers to assessment questions (Attach documentation)

When the group has gathered necessary evidence and answered all assessment questions, proceed to review the full and individual comprehensive evaluation or re-evaluation information

Meeting To Review
Evaluation Or Re-Evaluation Information

Date: _____

1a. If the group cannot check both of the following, a disability cannot be determined.

❑ None of the following considerations is the PRIMARY cause of this student's needs:
- lack of appropriate instruction in literacy
- lack of appropriate instruction in math
- limited English proficiency

❑ This determination has been made based on evaluative information from a variety of sources, including parent input among others - information from all sources having been documented and carefully considered. [See Sec. 300.306 (c)(1)]

1b. Given the answers to your assessment questions, along with all previously-gathered information, and, if applicable, the criteria of one of the following categories the group determination is:

Learning Disabilities Documentation Form must be attached if the determination is Learning Disability.

❑ **No disability**	❑ Developmental Delay	❑ Traumatic Brain Injury
❑ Learning Disability	❑ Other Health Impairment	❑ Visual Impairment
❑ Speech/Language Impairment	❑ Orthopedic Impairment	❑ Multiple Disabilities
❑ Emotional Disturbance	❑ Hearing Impairment	❑ Deaf-Blindness
❑ Mental Retardation	❑ Autism Spectrum Disorder	

2. Does the student require special education and related services? YES_____ NO _____

Group conclusions regarding successful/supportive instructional strategies:

Signatures of participants:

Participant	Role	Meeting Date	Meeting Date	Determination reflects my conclusions	
				YES	NO**
	LEA Representative				
	Parent(s)				
	General Education Teacher(s)*				
	Special Education Provider(s)				

**required for LD decision, also at least one person qualified to conduct individual diagnostic examinations of children*

***Statement attached*

Learning Disabilities Documentation Form

Name_____DOB _____ Date _____

Extra year(s) in school? Which one(s)? _____ Current Grade _____

Observation - Relevant behavior noted during the observation of the child and the relationship of that behavior to the child's academic functioning, based on documented observation(s) of the child's academic performance and behavior in the areas of difficulty in appropriate learning environment(s), including the regular classroom or as appropriate the ESL/bilingual education setting. [Observation must comply with the requirements in Sec. 300.310]:

Medical - Educationally relevant medical findings:

Intervention and Student Progress Data

❑ As part of the evaluation described in Sec. 300.304 through 300.306, the group considered:

1. Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate and specific culturally and linguistically appropriate instruction and interventions in regular education settings, delivered by qualified personnel;
2. 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.

❑ Documentation is attached of the process used to assess the child's response to research-based intervention, including:

- **i.** The instructional strategies and interventions and student-centered data collection, with evidence of fidelity of implementation; and
- **ii.** The documentation that the child's parents were notified about:
  - **a)** The State's policies regarding the amount and nature of student performance data that were collected and the general education services that were provided;
  - **b)** Strategies and interventions for increasing the child's rate of learning; and
  - **c)** The parents' right to request an evaluation. [Sec. 300.311]

Basis for Determination of Learning Disability:

1. Indicate in the following table the student's response to learning experiences and instruction appropriate for the child's age or State-approved grade level/span expectations and results from the comprehensive evaluation:

Areas: Check any area below that meets the description in both (a) and (b), and include documentation in the child's special education record	**a) Achievement Gap** Summarize group's conclusion regarding evidence that the student's current achievement* of State-approved Grade Level/Span Expectations **and English Language Proficiency Standards** is significantly different than his/her peers relative to national normative data with consideration of state and local data when provided with appropriate learning experiences and instruction (*after provision of appropriate general education learning experiences including at least two periods of intensive interventions).	**AND b) Educational Progress** Summarize group's conclusion regarding the evidence that the student does not make sufficient progress to meet age or State-approved grade level/span expectations and English Language Proficiency Standards, based on child's limited responsiveness to intensive scientific, research-based interventions which have been implemented with fidelity.
❑ Oral expression		
❑ Listening comprehension		
❑ Written expression		
❑ Basic reading skill		
❑ Reading fluency skills		
❑ Reading comprehension		
❑ Mathematics calculation		
❑ Math. problem solving		

In **one or more** of the eight areas of Table (1), does the student's performance meet the description under

❑ (a) Achievement Gap AND ❑ (b) Educational Progress?

YES ____ (both box a. and b. checked)

NO _____ (a determination of learning disability is not justified)

2. If **YES**, consider and check the group's confirmation of the following requirements:

❑ Student performance in areas indicated above is NOT primarily the result of:

- A visual, hearing, or motor disability
- Mental retardation
- Emotional disturbance
- Cultural factors
- Environmental or economic disadvantage
- Limited English Proficiency

❑ The determinant factor of the findings is not any of the following

- Student has lacked appropriate instruction in literacy
- Student has lacked appropriate instruction in math
- Student has had extended absences
- Student has had repeated change of schools
- Student has had an inconsistent or inappropriate educational program

❑ This determination has been made based on evaluative information from a variety of sources, including parent input among others - information from all sources having been documented and carefully considered. [See Sec. 300.306 (c)(1)]

A learning disability determination cannot be made unless all boxes are checked

3. On the basis of the group's findings regarding this student's response to intervention (Achievement and Educational Progress) and the above considerations, a determination has been made that the child has a specific learning disability YES _____ NO _____
and needs special education and related services. YES _____ NO _____

Provide recommendations for tailoring instruction and interventions to support the child's progress:

Additional Group Comment:

Appendix E: References and Resources

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Internet Website Resources

National Center on Response to Intervention is funded by the U.S. Department of Education's Office of Special Education Programs. The Center is managed by the American Institutes for Research, in consultation with researchers from Vanderbilt University and in collaboration with researchers from the University of Kansas Center for Research on Learning. The Center supports the implementation of RTI on a national level.

http://www.rti4success.org

What Works Clearing House is an initiative of the U.S. Department of Education's Institute of Education Sciences. The What Works Clearing House produces user-friendly practice guides for educators and provides reviews of research on instruction and intervention programs.

http://ies.ed.gov/ncee/wwc/

RTI Action Network is a program of the National Center for Learning Disabilities. The website includes articles and other information to assist in the large scale implementation of RTI.

http://www.rtinetwork.org/

Intervention Central website has RTI resources available to educators at no cost. The site was created in 2000 by Jim Wright, a school psychologist and school administrator from Central New York.

http://www.interventioncentral.org/

National Research Center on Learning Disabilities is funded by the U.S. Department of Education, Office of Special Education Programs. The center conducts and disseminates research on the identification of learning disabilities, and provides technical assistance.

http://www.nrcld.org/index.html