

Back to School RI:

Specific Learning Disabilities Identification during COVID

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RIDE Rhode Island
Department
of Education

Specific Learning Disabilities Identification (SLD ID) Determination Implications and Considerations with Distance Learning and School Reentry Due to COVID19

The [State Criteria for Specific Learning Disabilities adopted by the RI Board of Regents June 4, 2009](#) includes the requirement for LEAs to utilize a student's response to intervention as part of the process for the identification of specific learning disabilities. This [criteria](#) replaced the use of severe discrepancy between aptitude and achievement with a full and individual evaluation that includes response to intervention data along with multiple other sources of information. Many districts have adopted a Multi-Tiered System of Support, or [MTSS](#) framework, which merges academic response to intervention with social emotional learning ([SEL](#)) and positive behavior intervention supports (PBIS). The problem-solving data on student progress from an MTSS system is a key component of Specific Learning Disability Identification (SLD ID).

Furthermore, the Individuals with Disabilities Education Act ([IDEA §300.309 b\(1\)](#)) requires that the team demonstrate there has not been lack of access to appropriate math and reading instruction as the primary cause of the demonstrated learning difficulty of the student. Providing data to support this required exemption is necessary for determining eligibility as a student with SLD. All students have the right [to recover unfinished learning in general education](#) that has resulted from distance learning conditions during the COVID-19 pandemic. Missed instruction due to school closure and possibly distance learning as experienced by students during the COVID-19 pandemic would not qualify as data to support eligibility as a student with a specific learning disability.

Ruling out lack of access to appropriate instruction has become more difficult due to the potential multi-month gap in learning for some students. Some students may have had minimal learning loss while others may have experienced a substantial amount. As a result, there could be under-identification or over-identification of children with SLD. If the primary factor in the learning difficulty is lack of appropriate instruction, the student cannot be identified with SLD.

Since virtual assessment impacts the interpretation and use of data in making SLD determinations, the typical requirement of multiple sources of data which must be used as part of a full and individual evaluation becomes critically important. Teams should consider:

- Instruction and student [response](#) that happened before schools closed
- Distance instruction and student response
 - See the FAQ on virtual progress monitoring at: (<https://intensiveintervention.org/resource/FAQ-collecting-progress-monitoring-data-virtually>)
 - Parent reports about their child's learning, strengths and needs, during distance instruction.

- Student performance on screenings and [evaluations](#) including a review of student academic growth before and [after school closures](#) and summer.
 - A single point in time academic screening upon school reopening will not be sufficient to determine risk. Daily, brief (15 minute) class-wide intervention for 2 weeks prior to screening can help [clarify which students](#) will need intensive instruction or a [referral](#) for evaluation.
 - Formative assessment practices, such as exit tickets, and targeted checks of specific subject and grade-level areas (phonics, reading, and math fluency) will be instrumental in rounding out the data profile of a student.
 - The American Psychological Association (APA) recommends [full-scale score](#) use rather than subtest scores to avoid skewed results. Test norms do not account for a half year gap of in person instruction or virtual administration. Since cognitive assessments are not required for SLD identification, teams should determine what assessments are needed to identify a disability for the individual student in question.
- Examine [exclusionary factors](#) such as visual, hearing, motor, intellectual, or emotional disabilities as well as environmental, cultural, economic disadvantage, and English [language proficiency](#) considerations. Appropriate instruction for MLLs has additional considerations including access to a robust core in both [ELA](#) and [math](#).

Where there is a suspicion of a disability, neither COVID nor MTSS can be used to create unreasonable delays in identification of SLD. Implementation of MTSS is not a reason to request an extension to the evaluation timeline. IDEA does permit that both schools and parents can agree to extend evaluation timelines. [§ 300.309 \(c\)](#)

The 2019 [Joint Principles for SLD Eligibility](#) align with RI SLD Identification [Criteria](#). Teams can complete this [tool to adequately document](#) the variety of data needed to demonstrate SLD eligibility.