Specific Learning Disability (SLD) Policy within a Multi-Tiered System of Support (MTSS)
NC: Where We Stand

• NC DPI’s position, based on existing research, is that the use of ability/achievement discrepancy for identifying students as having a Specific Learning Disability is NOT an appropriate practice.
NC: Where We Stand

A multi-tiered system of support process is not about SLD identification and eligibility

BUT

SLD identification and eligibility is about a multi-tiered system of support process
Shift in Focus

To unexpected underachievement in the context of high quality instruction and intervention

Away from unexpected underachievement relative to intellectual ability
Shift in Focus

To providing students the instruction and interventions they need for success

Away from determining who is eligible for services
SLD Determination
A National Perspective
In the beginning… 1975

• Use of severe discrepancy was an uneasy compromise that solved a political problem in the 1970s

• Little research was done on the possible consequences of the severe discrepancy
Learning Disabilities Roundtable…
2002

• Rejected the use of the ability-achievement discrepancy model
  – Not a valid marker
  – Unreliable
  – Provides limited information for what enables learning

• Recommended an alternative known today as Response to Intervention (RtI), with a focus on quality instruction
SLD Procedures - IDEA 300.307

• A state must adopt... criteria for determining whether a child has a specific learning disability

• *May not require* LEAs to use a discrepancy model for determining whether a child has a SLD*

• *Must permit* a process based on a child’s response to scientific, research-based instruction

• *May permit* the use of other alternative research-based procedures
Back Home in NC
<table>
<thead>
<tr>
<th>Criterion</th>
<th>States</th>
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<tbody>
<tr>
<td>Regulations</td>
<td></td>
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<tr>
<td>Allow RTI</td>
<td>AL, AK, AZ, AR, CA, HI, IN, KS, KY, MD, MA,</td>
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<tr>
<td></td>
<td>MI, MN, MO, MT, NE, NV, NH, NJ, NC, ND, OK,</td>
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<tr>
<td></td>
<td>OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA,</td>
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<td>WA</td>
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<tr>
<td>Require RTI</td>
<td>CO, CT, DE, FL, IA, NM (K-3), NY (K-4), RI,</td>
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<tr>
<td></td>
<td>WV, WI, WY</td>
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<tr>
<td>Require RTI Plus Cognitive Processing</td>
<td>GA, ID, ME</td>
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<tr>
<td>Require RTI Plus Pattern of Academic Strengths and Weaknesses</td>
<td>LA</td>
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<tr>
<td>Require RTI; May use severe discrepancy (SD) or pattern of strengths and</td>
<td>IL, MS</td>
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<td>weakness (SW) after RTI data collected</td>
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<tr>
<td>Prohibit Severe Discrepancy</td>
<td>CO, CT, DE, IN, IA, NY, RI, WV</td>
</tr>
<tr>
<td>Prohibit Pattern of Strengths and Weakness</td>
<td>FL</td>
</tr>
</tbody>
</table>
Timeline: MTSS and the Elimination of Ability/Achievement Discrepancy

2014-2015 MTSS
Build infrastructure, common language, and problem-solve potential barriers

Feb 2015 SLD
Policy changes; Public notice and comment

June 2015 SLD
Policy changes; seek State Board of Education approval
Provide professional development and coaching to LEAs (K-12)

2015-2016 MTSS

Continue professional development and coaching; Usability testing of implementation tools

2016-2019 MTSS

Provide professional development and coaching to LEAs (K-12)

2019-2021 MTSS

Continued support; provide professional development for new sites

2020-2021 SLD

All K-12 use MTSS data as the basis of a full and individual evaluation for SLD eligibility decisions (ability/achievement discrepancy eliminated)
SLD Task Force
SLD Consultant
School Psychology Consultant

EC Directors
NC DPI Exceptional Children
Charter Schools
School Psychologists / NCSPA
Institutes of Higher Education
RtI Consortium
LEA MTSS Coordinators
Special Education Teachers
Issues and Barriers

Lead School Psychologist Meeting

Regional RtI Focus Groups

EC Directors’ March Institute

SLD Task Force

Research

Practitioner Knowledge

Structured Decision Making Processes

SLD Task Force Recommended Policy

Directors’ Advisory Council

EC Advisory Council

Stakeholder Collaborative

EC Directors’ March Institute

Regional RtI Focus Groups
Current SLD Policy

Does not achieve adequately to meet age, intellectual development, or grade-level State standards in one of eight areas

Lack of progress in response to scientific research-based instruction

OR

Discrepancy: Pattern of strengths and weaknesses

Rule out:
Vision/hearing/motor problems, intellectual disability, emotional disturbance, cultural and/or environmental issues, ELP

Rule out lack of instruction by documenting:
- appropriate instruction by qualified personnel
- repeated assessments

Adverse effect AND require specially designed instruction
NCDPI Goal: Eliminate Discrepancy

- does not drive instruction
- inaccurate decisions; fallacy of IQ
- wait to fail

SLD Task Force Goals

- consistency in identification
- accurate decisions (requires adequate instruction)
- backed by research
- meets federal regs
- establishes clear criteria
Proposed SLD Policy

- Does not achieve adequately to meet age or grade-level State standards in one of eight areas
- RtI: Lack of progress in response to scientific research-based instruction
- Rule out: Vision/hearing/motor, intellectual disability, emotional disturbance, cultural and/or environmental issues, LEP, attendance and mobility rates
- Rule out lack of instruction by documenting:
  - appropriate instruction by qualified personnel
  - repeated assessments

Adverse effect AND require specially designed instruction
Strengthening the “rule out” of Lack of Appropriate Instruction
Adequate instruction is considered an *inclusionary* factor, in that it is considered the lens through which inadequate achievement and insufficient progress, are considered.
Adequate Instruction as Inclusionary

• Provision of high-quality core instruction delivered with fidelity

• Provision of scientific research-based interventions delivered with fidelity

• A systematic process of problem solving/data-based decision making
Systematic Observational Data

Purpose:

• Informs problem solving and data-based decision making;

• Assists in the documentation of:
  – appropriate instruction
  – scientific research-based interventions were delivered with fidelity

• Documents the child’s academic achievement, functional performance and behavior in area(s) of difficulty
Exclusionary Factors

The disability must not be the primary result of:

– A visual, hearing or motor disability;
– Intellectual disability;
– Emotional disturbance;
– Cultural factors;
– Environmental or economic influences; and/or

– Loss of instructional time due to factors that include, but are not limited to absences, tardies, high mobility rates, and suspensions.
SLD Task Force Recommendations

Definition
Definition of SLD

The definition of SLD has remained basically unchanged since the definition proposed by Samuel Kirk in 1962 and in PL 94-142 in 1975.

Goals:

• Eliminate outdated language
• Reflect points of general agreement in the Learning Disability community
• Reflect an RtI-based process
Proposed Definition

• Specific Learning Disability means a disability in one or more of the basic learning processes that results in unexpected academic underachievement following sustained, high quality instruction and scientific research-based intervention.
Proposed Definition

- Associated conditions may include, but are not limited to, dyslexia and dyscalculia. Specific learning disabilities occur across the lifespan regardless of a student’s culture, race, ethnicity, language, gender or socioeconomic status.
Proposed Definition

• Specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of serious emotional disturbance, or of environmental, cultural or economic disadvantage.
Pattern of Strengths and Weaknesses
PSW Proposed Policy Changes

- Rule out:
  - Vision/hearing/motor problems,
  - intellectual disability,
  - emotional disturbance,
  - cultural and/or environmental issues, LEP

- Does not achieve adequately to meet age, intellectual development, or grade-level State standards in one of eight areas

- RtI: Lack of progress in response to SRB instruction
  - OR
  - Discrepancy: Pattern of strengths and weaknesses

- Rule out lack of instruction by documenting:
  - appropriate instruction by qualified personnel
  - repeated assessments

- Adverse effect AND require specially designed instruction
“There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions.”

Federal Register August 14, 2006, p. 46651
"... general application did not improve the efficiency of the decision model, may not be cost effective because of low base rates, and may result in many children receiving instruction that is not optimally matched to their specific needs."

"... efforts to relate cognitive patterns of strengths and weaknesses (PSW) to identification or treatment have met with limited success, especially when the focus is on individual profiles."

“Advocates of a PSW model argue that a comprehensive assessment can help inform subsequent intervention and improve treatment response. However, despite years of research, group by treatment interactions remain largely speculative and unproven.”

Comprehensive Evaluation

- Use of an RtI-based evaluation does not replace the requirement for a full and individual, comprehensive evaluation.
- The determination of “comprehensiveness” is based on each student’s individualized needs.
- Multiple sources of data are critical for informed decision making.
Comprehensive Evaluation: Role of Cognitive Processing

• Assessments of cognitive processing can be used, as determined by the IEP team, *to inform instruction and intervention*, but **not** for eligibility determination.

• As additional research in the area of cognitive processing related to PSW model(s) emerges, policy changes will be considered, as needed.
Operationalize Level and Rate of Learning Criteria
Level and Rate of Learning Criteria

Defining “does not achieve adequately for the child’s age or to meet State-approved grade-level standards”

Defining “does not make sufficient progress to meet age or State-approved grade-level standards”
Defining “does not achieve adequately for the child’s age or to meet State-approved grade-level standards”
Level of Learning ➔
Academic Underachievement

• Inadequate response to high-quality instruction and scientific research-based intervention delivered with fidelity

• Evidence from multiple data sources
  – *Must* include universal screening, interim/benchmark assessments and progress monitoring data
  – *May* include state and districtwide assessments
Level of Learning → Academic Underachievement

- *Must* be compared to multiple groups
- *Must* include state and/or national comparison groups
- *May* be compared against culturally and linguistically similar peers, classroom, school and/or other comparison groups
Defining “does not make sufficient progress to meet age or State-approved grade-level standards”
Rate of Learning → Insufficient Rate of Progress

• When provided with high-quality core instruction that a majority of students are responding to, and

• Scientific research-based interventions, matched to area of need, and

• Evidence of implementation fidelity is collected/documented
Rate of Learning ➔ Insufficient Rate of Progress

• Rate of progress based on valid and reliable measures is:
  – Same or less than that of same-age or grade peers which will not result in closing gap in a reasonable period of time; or
  – Greater than same-age or grade peers, but will not result in closing gap
Academic Underachievement + Insufficient Rate of Progress = Unexpected Academic Underachievement
SLD Proposed Policy Outcomes

Rule out lack of instruction by documenting:
- appropriate instruction by qualified personnel
- repeated assessments

Rule out:
- Vision/hearing/motor, intellectual disability, emotional disturbance, cultural and/or environmental issues, LEP, attendance and mobility rates

Does not achieve adequately to meet age or grade-level State standards in one of eight areas

Rtl: Lack of progress in response to scientific research-based instruction

Adverse effect AND require specially designed instruction
“RtI should never be equated with an identification method because the focus is on enhanced service delivery and academic and behavioral outcomes for children.”

Fletcher and Vaughn, 2009
Public Comment Period:
February 4, 2015 – March 6, 2015
Public Comment Meetings

February 16, 2015
5:30-7:00
Sadie Saulter Elementary
400 Spruce Street
Greenville, NC

February 17, 2015
5:30-7:00
Dale K Spencer Bldg
1802 South 15th Street
Wilmington, NC

February 23, 2015
5:30-7:00
NCDPI
301 N. Wilmington St.
Raleigh, NC
Public Comment Meetings

February 24, 2015
6:00-7:30
600 Laureate Way
Kannapolis, NC

February 25, 2015
5:30-7:00
613 Cherry Street
N. Wilkesboro, NC

http://ec.ncpublicschools.gov/
Questions?

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