

August 2010

Procedures for Identifying Specific Learning Disabilities For Schools within the Copper Country Intermediate School District

Definition

A specific learning disability is “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia that adversely affects a student’s educational performance. A SLD does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; mental retardation; emotional disturbance; or of environmental, cultural, or economic disadvantage.” (34CFR§300.8(c)(10)).

Changes in the Process for Determining the Existence of Specific Learning Disabilities

The following are procedures for identifying students with specific learning disabilities (SLDs) in local school districts within the Copper Country Intermediate School District. These procedures reflect recent research regarding the identification of specific learning disabilities, and changes in federal SLD regulations. Specifically, the United States Department of Education (USDOE) has rejected severe discrepancy between cognitive ability and academic achievement as the primary basis for SLD identification. Instead, in 2006 the USDOE put forth a new regulation that requires determination of two rule-ins. The regulation requires inadequate achievement to meet age or State-approved grade-level standards when provided with appropriate learning experiences and instruction. In addition, there must be data demonstrating one of two SLD determination process options. The first process option is insufficient progress toward age or State-approved grade-level standards when using a process based on the child’s response to scientific, research-based intervention; the second process option is a pattern of strengths and weaknesses in performance, achievement or both relative to age, State-approved grade-level standards, or intellectual development.

The Copper Country Intermediate School District is dedicated to working toward K-12 implementation of a response to intervention (RTI) process. However, because full scale fidelity implementation of RTI will take a number of years, until further notice is given, schools in Copper Country Intermediate School District will use a pattern of strengths and weaknesses model to replace the discrepancy model in determining the existence of a Specific Learning Disability.

What to do if a Student is having Learning Problems or is Suspected of Having a Learning Disability

If a student is having learning problems and is not yet suspected of having a disability the CCISD highly recommends initiating problem solving interventions starting with the local school’s student assistance team (SAT) process, if this has not already been done. Parents or teachers can begin this process by requesting a student assistance team (SAT) meeting from the SAT coordinator or administrator. Student assistance teams are charged with the responsibility of reviewing student history, reviewing and designing

interventions, and ensuring progress monitoring of students with academic or behavior difficulties. Not only is this process beneficial in supporting student progress in the curriculum, but if the child is an inadequate responder to increasingly intensive interventions, and subsequently a learning disability or some other impairment is suspected, this information can be helpful in ruling out such non-disability explanations for underachievement such as lack of appropriate instruction. Parents are encouraged to be part of the student assistance team process. Documentation of educational interventions and repeated assessments of achievement at reasonable intervals must be provided to parents.

Many students will respond to research based interventions using general education resources. Some students, despite appropriate instruction and interventions, may not make adequate progress and may be suspected of having a specific learning disability. It should be noted that a school district must not delay or deny an otherwise appropriate referral or request for an evaluation merely because the district is “mid-stream” in the student assistance team or other general education intervention process.

Exclusionary Factors

In problem solving and planning general education interventions, student assistance teams will consider a number of factors that may be causing underachievement, including attendance, frequent moves between schools, environmental or motivational factors, limited English proficiency, lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act) and lack of appropriate instruction in math.

Whenever the district has reason to suspect a disability, including a specific learning disability, it is required to make a referral for a special education evaluation. Whatever information the district has collected at that time regarding alternative explanations should be considered in the evaluation planning process to determine what if any additional information may be required to determine whether an exclusionary factor is the primary cause of lack of adequate progress.

Full and Individual Diagnostic Evaluation

Within 10 calendar days of a referral or request for an evaluation, an evaluation plan will be developed by IEPT members, including parents, either through an evaluation planning meeting or evaluation planning form circulation process. A CCISD school psychologist will facilitate this process, as a member of the evaluation team.

A full and individual initial evaluation will be conducted by a multidisciplinary evaluation team, minimally including a school psychologist and general education teacher. The scope of the evaluation will be determined by the evaluation plan, which will compare data already available to the data required for SLD eligibility determinations, and then identify the additional data needed and how such data will be obtained. Collectively, evaluation data, while individualized, should minimally include parent and teacher input, educationally relevant medical information, review of progress during interventions, a classroom observation by someone other than the general education teacher, individually administered, norm-referenced testing by a qualified examiner, and performance in the general education curriculum. Among other identification criteria, this information will be used to determine if the student is

achieving at the 9th percentile or below in the skill area of concern, and if a pattern of strengths and weaknesses exists that would support eligibility for special education services under the category of specific learning disability.

Pattern of Strengths & Weaknesses

Information used to determine a pattern of strengths and weaknesses may include the following types of assessment: progress monitoring (e.g. DIBELS, AIMSWEB), curriculum based measurement (DIBELS, AIMSWEB, DIBELS), criterion-referenced assessments (MLPP, DRA, SRI), MEAP, individually administered norm-referenced tests (e.g. WISC-IV, WJ-III, K-TEA II), curriculum assessments, grades, teacher report and classroom observation. Students can demonstrate a strength in either academic achievement or cognitive skills. Three types of assessment must be documented to indicate a pattern of strengths in an academic area. A cognitive skill strength will be documented by use of an individually administered cognitive assessment. Students can demonstrate a weakness in an area of academic achievement. Three types of assessment, including at least one individually administered norm-referenced assessment, must be documented to indicate a pattern of weaknesses in an academic area. Specific cutoff criteria for determining strengths and weaknesses are indicated in the following chart:

| Assessment Type | Strength | Weakness |
|---|--|--|
| Progress monitoring | Meeting/exceeding aimline | Falling below aimline for at least 3 consecutive data points on most recent tests. |
| CBM screening | At 'benchmark' level or above grade-level median score if using local norms. | At 'at-risk' level or below 9th%ile if using local norms. |
| Criterion-referenced assessment | Percentile rank ≥ 25 or equivalent | Percentile rank ≤ 9 or equivalent |
| MEAP | Level 1 or 2 | Level 3 or 4 |
| Norm-referenced tests (Achievement, IQ) | Percentile rank ≥ 25 | Percentile rank ≤ 9 |
| Curriculum assessments | Scores $\geq 80\%$ | Scores $\leq 70\%$ |
| Grades | A/B or 'meets/exceeds' expectations | D/E or 'does not meet' expectations |
| Teacher report | Based upon professional judgment of teacher in comparing student to others in classroom. | Based upon professional judgment of teacher in comparing student to others in classroom. |
| Observations-Academic | Student demonstrates average understanding of academic content in comparison to other students in classroom. | Student demonstrates that s/he does not understand the academic content. |

Should a student demonstrate a pattern of strengths and weaknesses as indicated above, before a determination of SLD eligibility can be made, the multidisciplinary evaluation team is also required to produce data upon which the IEPT may conclude that this pattern of weaknesses is not primarily the result of the exclusionary factors as defined above. Finally, the Multidisciplinary Evaluation Team must also consider the student's overall functioning in the general education setting and need for special education services.

For questions or concerns regarding the above process, please call the special education department at the Copper Country Intermediate School District (906) 482-4250.