

Berkley School District

Berkley, Michigan

Policy and Procedures for

Specific Learning Disability (SLD) Evaluations

Definition of a Specific Learning Disability

The Michigan Department of Education defines a specific learning disability (SLD) as:

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. (34 CFR § 300.8 (c) (10))

Process to Determine the Presence of a Specific Learning Disability

Berkley School District utilizes a problem-solving approach to identify a pattern of underachievement plus a Pattern of Strengths and Weaknesses process (PSW) in the determination of a Specific Learning Disability. The district is committed to moving toward a comprehensive Response To Intervention (RTI) process and is currently building capacity to do so. The RTI model, considered as a best practices approach to documenting and implementing interventions for all students, is based on research conducted by some of this nation's leading educators and researchers. "Not only does the RTI model provide valid means for identifying students with disabilities, it also merges special education into the

overall policies of No Child Left Behind (NCLB), such as having clear standards, useful measurement, and sound instructional practices.” Therefore, this model focuses on enhancing the performance of ALL students through a common system. – *Educationevolving.org*

The Assistance Team Process

First, it is important to understand our problem solving process that is designed to target the needs of all learners. Berkley School District utilizes a problem-solving model to provide timely assistance to students and match the interventions to each learner’s level of need. This process is organized into three levels, or *Tiers*.

Tier I

Tier I supports/interventions are those academic and behavioral strategies and resources that all teachers routinely use at the first sign that a student is having problems in the classroom. These supports/interventions are available to all students who need them. Examples include changing the method of instruction, providing the child with additional help, and behavior notes sent home daily to parents. In many cases, these interventions are exactly what children need to be more successful. Therefore, we start with this level of intervention.

Teachers are not alone during the Tier I process. The school assistance team (comprised of building administrators, social worker, psychologist, learning specialist, speech pathologist, resource room teacher, etc.) is available to help with observations, implementing strategies, and progress monitoring. Early intervention is essential.

Teachers and staff document specific areas of concern with related observations. A review of existing evaluative data (e.g., MEAP, DIBELS, unit tests, behavior plan logs, etc.) are also documented.

Tier I typically lasts about **6 to 8 weeks**; however, if a disability is suspected, a referral for an evaluation can be made at any time. It is understood that the classroom teacher will have done the following in addition to Tier I interventions/strategies prior to moving to Tier II:

- Private discussions with student
- Parent phone calls and/or conferences
- Environmental changes (i.e., seat changes, proximity to teacher, private workspace, etc.)
- Review CA60

Differentiation strategies as well as specific interventions relative to the area of concern are documented and progress monitoring data collected.

Tier II

If the student continues to fall significantly behind peers or is not showing progress relative to where he/she started before intervention, despite classroom supports, the teacher can refer the student to the building's team for more intensive interventions and individualized support. The team will identify possible reasons why the student is experiencing the academic or behavioral difficulties and put together a practical, research-based / evidence-based intervention plan to address the student's problems. The following steps are taken:

1. A team meeting will be scheduled where an intervention action plan will be put into place.
2. Research-based interventions will be implemented under the plan for a period of approximately **9 to 12 weeks**.
3. Tier II students will receive increased progress monitoring.
4. School staff will inform parents of their rights under the law.

Tier III

If, after evaluating progress monitoring data and using a problem-solving model approach (which may include trying more than one researched-based, individualized intervention), the team finds that a student still has not made significant progress, the school may refer the student for a "full and individual evaluation" conducted by a Multidisciplinary Evaluation Team to determine eligibility for Tier III supports. Tier III supports include services available under Section 504 or Special Education.

Berkley School District complies with federal law (Individuals with Disabilities Education Improvement Act (IDEIA, aka IDEA), the Michigan Administrative Rules of Special Education (MARSE), and Best Practices as set forth by the National Association of School Psychologists (NASP), when completing "full and individual" evaluations for special education eligibility and educational planning.

Components of the SLD Evaluation

Step 1: The Referral

When a disability is suspected, a referral for evaluation for a possible Specific Learning Disability may be made in one of two ways:

1. Referral is made by the school's assistance team after a process of problem-solving, intervention implementation, and repeated progress monitoring have been attempted and documented and have not been successful. In this case, the building team contacts the student's parents, indicates a suspicion of SLD, and requests permission to evaluate.
2. A written parental request for a Multidisciplinary Evaluation has been received by the Special Education Department.

Step 2: Consent to Evaluate

A form requesting consent to conduct the evaluation will be given to the parent within 10 school days of receiving the request for evaluation.

Step 3: The Evaluation

A. Evaluation to Determine Academic Achievement

An SLD evaluation will include measures to determine skills related to academic achievement in multiple areas.

Age-Level Achievement

- Individually administered standardized achievement tests

Grade Level Achievement

- MEAP
- Curriculum Based Measurement

B. Evaluation to Determine Classroom Performance

- Curriculum Assessments
- Grades
- Teacher Reports
- Classroom Observations

C. Evaluation of Cognitive Processes

Cognitive testing may be a component of an evaluation for SLD as determined to be appropriate by a School Psychologist. Assessments can be norm-referenced cognitive assessments, rating scales, or structured observational data.

Evaluations for cognitive processes will be chosen by the School Psychologist based on a determination of the most appropriate assessment for the child's age and referral questions.

Examples of psychological processes include but are not limited to:

- Working Memory
- Processing Speed
- Attention
- Executive Functioning (mental control)
- Verbal and Nonverbal Reasoning skills

D. Review of Information Provided by Parents

Parent input including, but not limited to, developmental and academic history, will be collected by school staff during the evaluation process. Assessments conducted outside of the school district from a private practitioner should be shared and will be considered by the MET. Schools determine the handicapping conditions by following special education laws that are established by the Federal government. The State of Michigan then establishes administrative rules for the schools to follow. Clinics and hospitals operate under guidelines that are given to them by medical definitions of disabilities and by the laws and policies for medical facilities. Sometimes, the medical definition of a condition is not in alignment with the educational setting and the criteria we use in our schools to a) determine that special education is necessary for a student to be successful, and b) create special education plans for students. A recommendation or a report from an independent or outside agency is good information but it is not a directive to the school to follow their opinion. Schools are obligated to conduct an appropriate evaluation. The team has the responsibility to review the information relative to State and Federal rules, County guidelines, local district procedures, and within the context of the multiple information sources that are integral to the determination of a specific learning disability. The multi-disciplinary team will then offer the appropriate recommendation as to whether or not the student is eligible for special education. Likewise, The IEP team will determine the goals, modifications, supports, services, and programs that are most appropriate to meeting the needs of the student. *(Excerpt taken from Wayne RESA with modifications)*

Step 4: Determining Eligibility

A student may be eligible for certification in the area of Specific Learning Disability given the analysis of the evaluation results as outlined below.

A. Exclusionary Factors

First and foremost, the MET is required to consider what are commonly referred to as “exclusionary” factors. The issue is one of “primary cause” for the SLD. With the changes in SLD eligibility criteria, serious consideration of these factors has become even more important. Though a student to whom one of these factors applies might still be appropriately determined as SLD eligible, the MET team must determine that an exclusionary factor is not the primary cause for underachievement.

The IDEIA requires that the determination of SLD eligibility must not be determined based on findings that are primarily the result of:

- 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);
- Lack of appropriate instruction in math.

What is “lack of appropriate instruction”?

The team needs to consider:

- The instruction that the student has been receiving has been appropriate to the area of concern, including fidelity of instruction and intervention implementation;
- The qualifications and training of the person delivering the instruction; and
- The student’s access to not only the core instruction but also to scientific research-based interventions. The team will need to consider whether a lack of access is impacted by poor attendance, frequent moves between schools, or other factors.

Additional Exclusionary Factors

The determination of SLD eligibility must NOT be based on findings of inadequate achievement and insufficient progress or patterns of strengths and weaknesses that are primarily the result of:

- A visual, hearing, or motor disability
- A cognitive impairment
- An emotional impairment
- Cultural factors
- Environmental or economic disadvantage; or
- Limited English proficiency

B. Defining a Pattern of Strengths and Weaknesses

1. The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the areas identified at 34 CFR

2. The student exhibits a pattern of strengths and weaknesses in performance and/or achievement relative to a) Age, b) State-approved grade-level standards, or c) Cognitive processing skills, *if determined by the Multidisciplinary Evaluation Team (MET) to be relevant to the identification of a SLD*

C. Evaluating a Pattern of Strengths and Weaknesses

Strengths:

- Demonstration of ***a minimum of two*** areas of strength(e.g, basic reading, math calculation, cognitive functioning, adaptive skills, etc.).

Weaknesses:

- Within each area of academic achievement domain suspected as deficient, demonstration of ***weaknesses within each given area*** including likely weaknesses in:
 - o An area of academic achievement with respect to age-level expectations (norm referenced tests)
 - o An area of academic achievement with respect to grade-level expectations reflecting a comparison to Michigan (or national) benchmarks or norms when grade-appropriate.
 - o Curriculum-Based Measurement (CBM) results that include at least 6 data points (progress monitoring data)
 - o Academic performance (i.e., classroom observations, grades, etc.)

Summary

In summary, Berkley School District utilizes a problem-solving approach to identify a pattern of underachievement plus a Pattern of Strengths and Weaknesses process (PSW) in the determination of a Specific Learning Disability. Efforts are currently underway to move toward a comprehensive Response To Intervention (RTI) process to not only identify students with disabilities, but to also improve outcomes for ALL students. RTI impacts all learners by improving instructional practices for students in general education, providing timely assistance to children experiencing learning difficulties, assuring that lack of appropriate instruction is not the reason for underachievement, and utilizing assessment data to inform and improve instruction (*Best Practices in School Psychology V*).