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National Center for Learning Disabilities

RTI ACTION NETWORK

POSITION STATEMENT on Determination of Specific Learning Disabilities

Background

The determination that a child has a specific learning disability (SLD) and is in need of special education requires a carefully implemented multi-step process. The objective is to ensure that the child receives the instruction, support and services needed to succeed in school. There is, however, considerable variation in practice and policy in state and local education agencies as they interpret the federal requirements to determine if a child has an SLD as outlined in the Individuals with Disabilities Education Improvement Act (IDEA) of 2004. For example, there is a lack of consensus on the extent of cognitive assessment that should be included in a comprehensive evaluation. Furthermore, the rapid adoption of Response to Intervention (RTI) in schools across the country requires new policies that balance the timelines of IDEA's Child Find mandates with the integration of RTI data into the process of determining if a child has an SLD.

The National Center for Learning Disabilities (NCLD) recognizes the critical need for guidance on the development and implementation of effective and efficient policies and practices for the identification of students with SLD. To that end, this position statement addresses key issues and concerns regarding determination of SLD that have been expressed nation-wide by educators and parents.

Identification Process

It is NCLD's intention that schools:

- Engage first in preventative and targeted instruction and intervention
- As appropriate, conduct comprehensive evaluations designed to determine the best instructional programs and accommodations

ADDITIONAL ARTICLES

Identifying Learning Disabilities in the Context of Response to Intervention: A Hybrid Model

Legal Implications of Response to Intervention and Special Education Identification

Making Decisions About Adequate Progress in Tier 2

ADDITIONAL RESOURCES

National Center for Learning Disabilities

Online Forum: The Role of RTI in LD Identification

RTI Talk: Response to Intervention and IDEA - LD Identification in the RTI Instruction Model

RTI Talk: RTI and LD Identification
Wrightslaw

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for students while also ensuring that Child Find is properly implemented

- Design comprehensive evaluations to focus on each student's individual learning needs in the context of educational opportunities, performance, and responsiveness to high quality opportunities to learn over time
- Select every component of the evaluation based on its relevance for creating the student's instructional program.

Components of the Evaluation

Consistent with the mandates included in IDEA 2004, NCLD believes that a comprehensive evaluation must include:

- A variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child (Sec. 300.304(b)(1))
- An observation of the student in the learning environment, including the regular classroom setting (Sec. 300.305(a)(1))
- Determination that underperformance is not primarily the result of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency (Sec. 300.309(a)(3)(i-vi))
- Determination that underperformance is not primarily the result of a lack of instruction, i.e., student performance data indicating that the student (a) was provided appropriate instruction in regular education settings delivered by qualified personnel (Sec. 300.309(b)(1)), and (b) received repeated assessments of achievement at reasonable intervals (Sec. 300.309(b)(2)), to ensure that underachievement is not due to lack of appropriate instruction

Also consistent with IDEA 2004, NCLD believes that:

- The determination of a specific learning disability must be made by the child's parents and a team of qualified professionals (Sec. 300.308)
- Parents must be provided with the results of repeated assessments of achievement (Sec. 300.309(b)(2))
- For students participating in an RTI program, parents must be notified about their state's policies about the collection of student performance data, strategies for increasing the child's rate of learning, and their right to request an evaluation (Sec. 300.311(a)(7)(ii))
- The RTI process must not be used to delay or deny an evaluation (January 2011 letter) but should offer data, both academic and behavioral, to help problem solve and analyze

issues regarding learning and help inform the development of effective instructional plans for students found to have SLD

Evidence of a pattern of strengths and weaknesses in performance, achievement or both should be included, and must be designed to help guide the development of the child's instructional program.

An assessment of IQ may be included if determined necessary to rule out intellectual disability as the cause of underachievement.

A comprehensive evaluation must not include the use of a severe discrepancy between intellectual ability and achievement, as there is extensive evidence of conceptual and statistical flaws in this approach.

An assessment of selected cognitive processes may be part of a comprehensive evaluation. As noted by the US Department of Education, in many cases "assessments of cognitive processes simply add to the testing burden and do not contribute to interventions" (Comments and Discussion on Sec. 300.309) Among practitioners, there is a lack of consensus on the role of assessments of cognitive processes in either the identification of SLD or in informing effective instructional practice for individual students. A comprehensive evaluation should include only those measures determined by the team to be needed to address specific unanswered questions. The decision to probe specific areas of cognitive processing should be driven by efficiency and effectiveness, rather than a default list of areas to test.

RTI and Determination of SLD

RTI data play a valuable role in the determination of a SLD. RTI records can indicate whether or not the child (a) achieves adequately for age or grade level when provided with appropriate instruction, and (b) makes sufficient progress to meet age or grade level standards based on the child's response to scientific, research-based intervention. In addition, evidence that the student is improving when provided with general education interventions indicates that the student is not in need of special education services, a requirement for placement in special education.

Adoption of the RTI framework in schools across the country, together with an expanding range of interventions available outside of special education, require that schools develop policies that ensure compliance with IDEA timelines while integrating RTI data into a comprehensive evaluation. It is essential that schools proceed in a timely fashion with increasingly intensive interventions to ensure that the child is not languishing in an ineffective instructional program or intervention. When implemented with fidelity, RTI will expedite the SLD evaluation process, as data on the child's response to instruction and intervention will have taken place prior to the onset of the 60-day timeline (or shorter if required by state policy) for an initial evaluation.

The keys to blending IDEA timelines and mandates with effective use of RTI

information are: (a) clear articulation of regulations for school personnel about when a special education evaluation should be initiated; and (b) communication with and involvement of parents in the decision-making process. Parents should be provided information on the range of general education interventions, participate in discussions of options and timelines, receive regular updates on progress or lack thereof, and be part of the review of progress and the determination of a preferred course of action.

Conclusion

Timely and efficient evaluation is essential for the purposes of delivering effective instruction and determining whether a child meets criteria for SLD. Data provided by parents and educators and through comprehensive evaluations are the essential building blocks of the decision-making process, both in terms of designing and implementing effective instruction and determining eligibility for special education services. The integration of RTI practices and the incorporation of robust student progress data into the determination process can greatly enhance the accuracy and efficiency of SLD determination.

NCLD welcomes opportunities to work collaboratively with other organizations and individuals to advance this position and contribute to the effective and efficient determination of specific learning disabilities.

References

34 CFR Part 300 - Assistance to States for the Education of Children with Disabilities

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U.S. Department of Education, Office of Special Education (January 2011). A Response to Intervention Process Cannot Be Used to Delay or Deny Special Education Services. Melody Musgrove to State Directors of Special Education.

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