

**“What are the **significant changes** effective December 1, 2010 for all initial evaluations where SLD is considered, **whether or not LEAs had begun using RTI to determine insufficient progress?**”**

There are three key significant changes for all initial evaluations where SLD is considered whether or not LEAs have begun using RTI to determine insufficient progress.

1) **Documentation of the **intensive intervention****

Documentation of the intensive intervention was applied in a manner highly consistent with its design, was closely aligned to student need, and was culturally appropriate. PI 11.36(f)(4)

The phrase **intense intervention** is defined in the rule as:

A systematic use of a technique, program or practice designed to improve learning or performance in specific areas of student need

- used with individual or small groups
- focusing on single or small numbers of discrete skills
- with substantial numbers of instructional minutes in addition to those provided to all students PI 11.02 (6t) and (6m)

The IEP team determines whether the intervention used meets this definition. For example, the IEP team determines if a “substantial number of instructional minutes” has been provided. Although the documentation of intensive intervention is a new requirement for initial SLD evaluations, the IEP team is still required to document prior interventions as for all initial evaluations and reevaluations as part of the evaluation report (ER-1). These interventions are not the responsibility of special education staff.

2) **Inadequate Achievement**

Upon initial identification, a student’s achievement is inadequate when the student’s score, after intensive intervention on one or more assessments of achievement, is equal to or more than 1.25 standard deviations below the mean in one or more of eight areas. PI 11.36(6)(c)(1)

Assessments shall be individually administered, norm referenced, valid and reliable. The IEP team may consider scores within 1 standard error of the measurement (SEM).

3) **Additional Exclusionary Factor:**

The IEP Team may not identify a student if the team’s findings of inadequate classroom achievement or insufficient progress are primarily due to lack of appropriate instruction in the area(s) of potential specific learning disability under consideration. PI 11.36(6)(d)(1)

The remaining exclusionary factors have not changed and still apply.