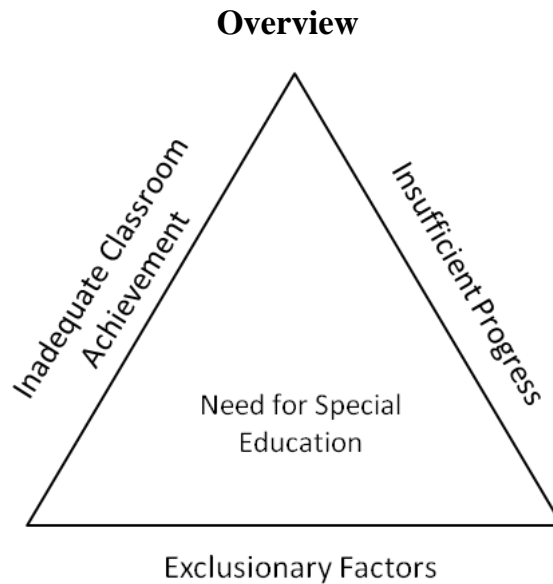


## Initial Guidance Implementing Wisconsin Criteria for Specific Learning Disability (SLD)



### Required Components of Wisconsin's Criteria for Specific Learning Disability (SLD)

This initial guidance provides answers to frequently asked questions regarding the criteria set forth in Wisconsin's SLD rule. This section provides an overview of the SLD evaluation requirements.

#### Introduction

Specific Learning Disability (SLD) is one of a number of categories of impairment in federal and state law and is defined 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” PI 11.36(6)(a).

Historically, the concept of SLD involves disorders of cognition and learning that exist within an individual and affects specific academic and performance skills such as reading, writing, math, and language. The concept of “unexpected underachievement” as one of a number of indicators of a specific learning disability has been central to understanding the concept.

“Unexpected underachievement” means that an individual is unable to learn despite the presence of circumstances that support successful learning, and requires adequate instruction as a foundation. Without a review of response to instruction, there is no basis for differentiating a child whose underachievement may be due to a SLD from one whose achievement is affected by other factors, including inadequate instruction (Fletcher, 2008).

In 2001, the US Department of Education Office of Special Education Programs convened an SLD Summit to bring together key researchers and representatives from professional groups to find common ground around SLD. The results of the summit were a series of white papers. With respect to identification, the majority of Summit participants reached consensus that IQ/achievement discrepancy is neither necessary nor sufficient for identifying individuals with SLD. Recommendations for an alternative model of SLD identification included provisions for considering the following: 1) low achievement; 2) insufficient response to effective, research

based interventions; and 3) a consideration of exclusionary factors such as other impairments, limited English proficiency and lack of opportunity to learn (National Research Center on Learning Disabilities, 2007). Federal regulations implementing IDEA 2004 and Wisconsin's SLD rule incorporate the recommended criteria and define additional procedures for identifying children with specific learning disabilities. Both laws reflect changes in the methods schools use to identify children with the impairment of SLD.

### **An Outline of Wisconsin's SLD Criteria**

Every IEP team must answer two general questions when conducting a special education evaluation:

- Does the student have an impairment?
- Does the student require special education to address the needs resulting from the impairment?

The criteria used for identifying the impairment of Specific Learning Disability (SLD) are depicted by the elements around the graphic shown above: inadequate classroom achievement, insufficient progress, and exclusionary factors.

You will see these criteria referenced throughout the technical assistance. The graphic emphasizes:

- The interrelationship between classroom achievement, insufficient progress, and exclusionary factors;
- The balanced and equal weighting assigned to each of the components; and
- The central importance of “need for special education” in making an eligibility decision.

The criteria directly define the impairment of SLD. SLD means **inadequate classroom achievement AND insufficient progress AND exclusionary factors** are not the primary reason for the inadequate achievement and insufficient progress. If the criteria are met, the IEP team goes on to the second eligibility question to determine whether the student requires special education to address the needs resulting from the impairment.

The graphic also represents an important concept of scientific inquiry called “**triangulation**” (comparing and contrasting data to identify a pattern or verify a hypothesis). When conducting an evaluation for SLD, this means all data and other information collected prior to referral and during the IEP team evaluation process must be considered. **The eligibility determination is contingent on ALL criteria being met.** It is important for the IEP team to carefully consider the dynamics and reciprocal relationship among these factors when designing and carrying out the evaluation.

Consideration of the criteria begins when an initial referral is made and continues as the IEP team answers key evaluation questions. The term “initial evaluation” of SLD refers to the first time SLD is considered, even if this consideration is part of a special education reevaluation for a student previously identified as having another impairment. The term “reevaluation” of SLD assumes the student was previously identified by an IEP team as having the impairment of SLD and a need for special education.

In addition to the criteria, the SLD rule sets forth a process to direct the IEP team in making eligibility decisions. These include elements such as systematic observation and the use of formal and informal assessment data. Finally, the rule requires IEP teams to document specific aspects of the SLD eligibility determination. The documentation requirements are listed below.

*Note:* Some criteria and documentation requirements differ between the first time a student is evaluated for SLD and subsequent reevaluations when continuing eligibility is considered. The criteria for reevaluations have not changed. Students must demonstrate a continuing need for special education and exclusionary factors must be reconsidered.

### **SLD Criteria**

Wisconsin's SLD rule specifies the following criteria:

- **Inadequate classroom achievement:** The student does not achieve adequately for his or her age, or meet state-approved grade level standards in one or more of eight areas when provided with age-appropriate learning experiences and instruction.
- **Insufficient progress:** The student has made insufficient progress as documented by insufficient response to intensive, scientific, research-based or evidence-based intervention **OR** significant discrepancy. Schools may use significant discrepancy between achievement and measured ability to document insufficient progress until December 1, 2013. Once a school begins using insufficient response to intensive intervention, it must consistently use this approach for all students in the school.
- **Exclusionary Factors:** The findings of inadequate classroom achievement or insufficient progress cannot be primarily due to certain exclusionary factors specified in the rule. The IEP team considers exclusionary factors as part of the analysis of each of the other two criteria.

The eight areas referenced throughout the rule include:

- Oral expression
- Listening Comprehension
- Written Expression
- Basic Reading Skill
- Reading Fluency
- Reading Comprehension
- Mathematics Calculation
- Mathematics Problem Solving

If the IEP team finds a student meets the eligibility criteria for the impairment of SLD, it still must consider whether the student has a need for special education before determining the student is a "child with a disability".

### **SLD Evaluation Activities**

The rule requires IEP teams to complete certain activities when conducting evaluations for SLD eligibility. For all initial evaluations and reevaluations, IEP teams must base eligibility decisions on information gained through a full and individual evaluation including systematic observation.

The rule also requires certain activities be completed before an eligibility decision can be made. When evaluating a student for SLD for the first time, the student must have received intensive

intervention before the IEP team can complete the SLD eligibility determination. The intervention must be implemented within general education by general education staff and can occur before or after a special education referral is made. This intervention is required irrespective of the method used to determine insufficient progress.

There are additional requirements for an initial SLD evaluation when the IEP team uses data from response to intensive, scientific, research-based or evidence-based intervention. All public schools will need to meet these requirements beginning December 1, 2013. These requirements include:

- Two intensive, scientific, research-based or evidence-based interventions
- Establishment of a baseline
- Weekly progress monitoring
- Addition IEP team membership
- Observation during intervention
- Specific standards for determining rate of progress

The standards for intensive interventions used to consider the insufficient progress criterion are more rigorous than those for the intensive intervention implemented before inadequate achievement is assessed. However, if an intervention meeting the more rigorous standard was implemented before assessing inadequate achievement it may be counted as one of the two required intensive interventions needed for determining insufficient progress. The IEP team determines if there has been sufficient intensive intervention implemented to meet the standards of each criterion.

A checklist incorporating these requirements is provided as part of this guidance.

### **SLD Documentation Requirements**

After the IEP team compiles all assessment and other evaluation data, it meets to review the data and make an eligibility decision. The IEP team documents its eligibility determination and the basis for this decision in the IEP team evaluation report. The rule requires more documentation for initial SLD evaluations than reevaluations. The use of DPI model forms ER-1 and ER-2 ensure IEP teams address each of the documentation requirements:

- Whether the student has a specific learning disability
- If the student is being evaluated for SLD for the first time, document criteria:
  - Inadequate achievement after intensive intervention
  - Insufficient progress as documented by
    - Response to intensive intervention, OR
    - Significant discrepancy between ability and achievement
  - Consideration that exclusionary factors are NOT the primary reason for inadequate achievement and insufficient progress
  - If found to have SLD impairment, documentation of need for special education
- If the student is being reevaluated for SLD, document criteria:
  - Continuing need for special education
  - Consideration of exclusionary factors
- The relevant behavior, if any, noted during required observation
- The relationship of observed behavior to academic functioning

- The intensive intervention was applied in a manner highly consistent with its design, closely aligned to pupil need, and culturally appropriate (initial SLD evaluation only)
- Educationally relevant medical findings, if any
- If the IEP team used response to intensive intervention to determine insufficient progress, the child's parents were notified of all the following:
  - The progress monitoring data collected
  - Strategies for increasing the child's rate of learning including the intensive interventions used
  - The parents' right to request an evaluation
- The signature of each IEP team member indicating agreement with the determination of disability OR submission of a separate statement

### **Other Considerations**

The new rule establishes a sunset on the use of significant discrepancy to determine insufficient progress. Beginning December 1, 2013, IEP teams will evaluate all public school students using data from response to intensive, scientific, research-based or evidence based intervention.

The transition to using this new criterion must be made at the school level. When a school begins using data from intensive intervention to determine SLD eligibility for the first time, it must do so for all students enrolled in the school. The LEA must notify all parents of students enrolled in the school of the decision to use this criterion at least 10 days before IEP teams begin using the criterion.

There are a number of other requirements that apply to SLD evaluations under certain circumstances. These include evaluation timeline extension, consideration of eligibility upon transfer, and evaluations of parentally placed private school students and students receiving home-based private education.

### **SLD and RtI**

Many districts are involved in various stages of implementing a school wide systems approach to response to intervention (RtI). While there is a relationship between the new SLD rule and RtI, and districts are encouraged to fully implement an RtI framework, it is not required under the state's SLD rule. The Department of Public Instruction has developed a brief clarifying the relationship between the SLD rule and RtI (*WI-RtI Brief: Specific Learning Disabilities Rule Implementation and RtI*). This brief is available at <http://www.wisconsinrticenter.org/educators/sld-rti.html>

### **References:**

Bradley, R., Danielson, L., & Hallahan, D. (2002). *Identification of Learning Disabilities: Research to Practice*. Mahwah, New Jersey: Lawrence Erlbaum

Fletcher, J.M. (2008). *Identifying Learning Disabilities in the Context of Response-to-intervention: A Hybrid Model*. RTI Action Network: <http://www.rtinetwork.org/learn/ld/identifyingld>

National Research Center on Learning Disabilities. (Winter 2007). *SLD Identification Overview*. Retrieved from [http://www.nrclid.org/resource\\_kit/tools/SLDOverview2007.pdf](http://www.nrclid.org/resource_kit/tools/SLDOverview2007.pdf)

## SLD Evaluation Requirements Checklist

DPI has developed several model forms and eligibility checklists for IEP teams to use when developing required evaluation reports to document IEP team eligibility decisions: DPI model forms ER-1 and ER-2 (available at <http://www.dpi.wi.gov/sped/forms06.html> ) and SLD Initial Evaluation and Reevaluation Criteria Checklists (available at <http://www.dpi.wi.gov/sped/eligibility.html>).

The following checklist is provided as a companion resource to assist IEP teams as they conduct SLD evaluations consistent with the current SLD rule. The checklist summarizes the responsibilities of the IEP team required when it determines SLD eligibility.

*Note:* Outside the IEP team process for individual students, LEAs must have in place specific system-wide procedures related to collecting the data needed for determining insufficient progress based on insufficient response to intensive, scientific, research-based or evidence-based intervention . See [http://www.wisconsinrtcenter.org/assets/files/SLD\\_Implementation\\_checklist%205-11-11.pdf](http://www.wisconsinrtcenter.org/assets/files/SLD_Implementation_checklist%205-11-11.pdf) for a checklist of these requirements.

	<b>Requirement</b>	<b>Initial*</b>	<b>Reevaluation*</b>
<b>SLD Impairment Criteria and Need for Special Education</b>	Inadequate Classroom Achievement after Intensive intervention	√	
	Insufficient Progress a. Insufficient Response to Intensive, Scientific, Research-Based or Evidenced Based Intervention (see end of checklist for additional requirements) <b>OR</b> b. Significant Discrepancy between Intellectual Ability and Achievement (allowed until Dec. 1, 2013)	√	
	Exclusionary Factors not primary reason	√	√
	Need for Special Education	√**	√
<b>Sources of Data</b>	Full and Individual Evaluation including formal and informal assessment data	√	√
	Systematic Observation During Routine Classroom Instruction	√	√
<b>Evaluation Report Documentation</b>	Whether the student meets the SLD Impairment criteria and the basis for the decision	√	√
	Relevant behavior, if any, noted during required observation and the relationship of observed behavior to academic functioning	√	√
	Educationally relevant medical findings, if any	√	√
	Intensive intervention was applied in a manner highly consistent with its design, closely aligned to pupil need, and culturally appropriate	√	

	<b>Requirement</b>	<b>Initial*</b>	<b>Reevaluation*</b>
	The signature of each IEP team member indicating agreement with the determination of disability OR submission of a separate statement	√	√
Additional Requirements: Using Data from Response to Intensive, Scientific, Research or Evidence-based Interventions to Determine Insufficient Progress	Sources of Data: <ul style="list-style-type: none"> <li>• Two intensive, scientific, research-based or evidence-based interventions implemented with fidelity and closely aligned with student need(s):               <ul style="list-style-type: none"> <li>o Baseline data (median score of three probes)</li> <li>o Weekly progress monitoring data</li> </ul> </li> <li>• Systematic observation during intervention</li> </ul>	√	
	Rate of progress determined using slope of trend line using least squares regression on baseline and all progress monitoring data points	√	
	Additional IEP team members (member may serve multiple roles): <ul style="list-style-type: none"> <li>• qualified to assess progress data</li> <li>• qualified to conduct individual diagnostic evaluations</li> <li>• implemented intensive intervention with the student</li> </ul>	√	
	The child's parents were notified: <ul style="list-style-type: none"> <li>• The progress monitoring data collected</li> <li>• Strategies for increasing the child's rate of learning including the intensive interventions used</li> <li>• The parents' right to request an evaluation</li> </ul>	√	

\* Initial evaluation of SLD refers to the first time SLD is considered, even if this consideration is part of a special education reevaluation for a student previously identified as having another impairment. "Reevaluation" refers to special education reevaluations when a student was previously identified as having SLD.

\*\* Upon initial evaluation, if the student is found to have one or more impairments, the IEP team goes on to determine if the student has a need for special education. If the student is found to have both an impairment and need for special education, the student is found to be a "child with a disability" and is eligible to receive special education.