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Specific Learning Disabilities Identification

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RIDE Rhode Island Department of Education

Specific Learning Disabilities Identification (SLD ID) Determination Implications and Considerations with Distance Learning and School Reentry Due to COVID19

 The State Criteria for Specific Learning Disabilities adopted by the RI Board of Regents June 4, 2009 includes the requirement for LEAs to utilize a student's response to intervention as part of the process for the identification of specific learning disabilities. This criteria replaced the use of severe discrepancy between aptitude and achievement with a full and individual evaluation that includes response to intervention data along with multiple other sources of information. Many districts have adopted a Multi-Tiered System of Support, or MTSS framework, which merges academic response to intervention with social emotional learning (SEL) and positive behavior intervention supports (PBIS). The problem-solving data on student progress from an MTSS system is a key component of Specific Learning Disability Identification (SLD ID).

Furthermore, the Individuals with Disabilities Education Act (IDEA §300.309 b(1)) requires that the team demonstrate there has not been lack of access to appropriate math and reading instruction as the primary cause of the demonstrated learning difficulty of the student. Providing data to support this required exemption is necessary for determining eligibility as a student with SLD. Missed instruction due to school closure and possibly distance learning as experienced by students during the COVID-19 pandemic would not qualify as data to support eligibility as a student with a specific learning disability.

Demonstrating access to appropriate instruction to address the rule out required in IDEA has become more difficult due to the potential multi-month change in learning experiences for some students. Some students may have made typical gains while others may have experienced a substantially smaller than usual amount of progress. As a result, there could be under-identification or over-identification of children with SLD. **If the primary factor in the learning difficulty is lack of appropriate instruction, the student cannot be identified with SLD.**

Since virtual instruction and assessment impact the interpretation and use of data in making SLD determinations, the typical requirement of multiple sources of data which must be used as part of a full and individual evaluation becomes critically important. Teams should consider:

- Instruction and student response that happened before schools closed
- Distance instruction and student response
    - See the FAQ on virtual progress monitoring at: (https://intensiveintervention.org/resource/FAQ-collecting-progress-monitoring-data-virtually)
    - Parent reports about their child's learning, strengths and needs, during distance instruction.

- Student performance on screenings and evaluations including a review of student academic growth before and after school closures and summer.
  - A single point in time academic screening upon school reopening will not be sufficient to determine risk. Daily, brief (15 minute) class-wide intervention for 2 weeks prior to screening can help clarify which students will need intensive instruction or a referral for evaluation.
  - Acceleration strategies combined with formative assessment practices, such as exit tickets, and targeted checks of specific subject and grade-level areas (phonics, reading, and math fluency) will be instrumental in rounding out the data profile of a student. **Using acceleration strategies to provide supports at the moment they are needed in the classroom helps to make on-grade-level content accessible to all students.** When students immediately apply new skills they are more likely to internalize them. Acceleration focuses on teaching only what must be learned, at the precise time it is needed, instead of reteaching everything.
  - Since test norms do not account for a half year gap of in person instruction or virtual administration, the American Psychological Association (APA) recommends full-scale score use rather than subtest scores to avoid skewed results. Given that cognitive assessments are not required for SLD identification, teams should determine what assessments are needed to identify a disability for the individual student in question.
- Examine exclusionary factors such as visual, hearing, motor, intellectual, or emotional disabilities as well as environmental, cultural, economic disadvantage, and English language proficiency considerations. Appropriate instruction for MLLs has additional considerations including access to a robust core in both ELA and math.

Where there is a suspicion of a disability, neither COVID nor MTSS can be used to create unreasonable delays in identification of SLD. Implementation of MTSS is not a reason to request an extension to the evaluation timeline. IDEA does permit that both schools and parents can agree to extend evaluation timelines. § 300.309 (c) If an LEA does not suspect the child has a disability, it may deny the parent's request for an initial evaluation.

The 2019 Joint Principles for SLD Eligibility align with RI SLD Identification Criteria. Teams can complete this tool to adequately document the variety of data needed to demonstrate SLD eligibility.