

Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI²)

Summary of California Department of Education Policy Framework on RtI², 2009

RtI² integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

Data gathered from RtI² can be utilized in the identification process to determine if a student requires special education services.

Once the components of an RtI² are in place in a school system, the data from the RtI² process may be used to ensure that a student has received research-based instruction and interventions.

Chapter 1: Response to Instruction and Intervention

RtI² is used in schools in the following three ways: Prevention, Intervention, and as a component of SLD determination. Students who do not respond to those targeted interventions are referred for a comprehensive evaluation to determine eligibility for special education and related services under the category of Specific Learning Disability. The student's response to interventions, as reflected in the data collected during the RtI² is reviewed as part of the eligibility determination.

Chapter 2: Components of RtI²

Instituting an RtI² approach requires systemic change at the district, site and classroom levels. It is essential to have a cost-effective and efficient data collection procedure that everyone can understand, access, and effectively use. Districts are mandated to use one or some of the CDE scientific, research-based curricula adopted by the California State Board of Education in the area of reading. Implementation of RtI² requires new and expanding roles for site administrators, leadership teams, classroom teachers and support personnel. Professional development decisions should be linked to ongoing assessment and student needs, encompassing screening, data analysis, targeted instruction, progress monitoring and problem solving methods, among others.

Chapter 3: Use of RtI² Data in the SLD Eligibility Process

Section 300.309 of IDEA 2004 addresses documentation of SLD eligibility in 3 ways:

1. demonstrating low achievement and lack of progress, using either a response to intervention approach or a pattern of strengths and weaknesses to suggest the possible presence of a specific learning disability, that are not the primary result of a variety of other issues.
2. describing the need to ensure that the student has had appropriate instruction and that progress during instruction has been documented and provided to the child's parents.
3. stating that if the requirements of 1 and 2 above are fulfilled and the child is referred for an evaluation, then the public agency must promptly request parental

consent to evaluate the child to see if he or she qualifies as a student with an SLD who requires special education.

Therefore, if a student met the criteria in 1 and 2, the need for a comprehensive evaluation to determine eligibility would be established.

In the evaluation, information generated from the RtI² process could be used to document information in the underlined areas (above).

Reminder: The public agency may not use any single procedure as the sole criterion for determining whether a child is a child with a disability.

A comprehensive evaluation for identifying a Specific Learning Disability must:

- ☑ not be replaced by an RtI² process
- ☑ use a variety of data-gathering tools and strategies, even if RtI² is used,
- ☑ allow inclusion of the results of RtI² as one component of the information reviewed,
- ☑ not rely on a single procedure as the sole criterion for determining eligibility

Reminder: involve the parents in seeking information regarding student's strengths and weaknesses, and in the intervention process.

Five key areas in the Identification Process

1. Low Achievement. Students with an SLD typically fail to meet specific academic targets. Evidence of low achievement should be obtained by examining CST scores (below the basic level), as well as scores on locally and nationally normed achievement measures.
2. Lack of Progress. Measurement of on-going progress should be conducted frequently (twice a week to one or two times per month) depending upon the level of the intervention, and compared to student progress at his grade or school level on Mastery measures and General Outcome measures, using recorded data.
3. Role of Exclusionary Factors. Learning difficulties or lack of progress may not primarily be the result of a visual, hearing or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited-English proficiency. Culturally responsive instruction is a key element for student success.
4. Appropriate Instruction. The law requires the group making the eligibility determination to consider whether a student has received appropriate instruction by qualified personnel and documentation of student progress during instruction. The group must document that appropriate instruction was delivered to the student, was being implemented as intended, and for an appropriate duration.
5. Need for Special Education. The IEP team determines one or more of the following to be true:
 - a. Lack of progress, or minimal progress, despite appropriate interventions
 - b. Student requires more intensive service or resources not available in general education
 - c. Observation of student shows difficulty in demonstrating academic skills.

APPENDICES listing self-assessment tool, new roles for educators, and regulations.