

Rule Change: Specific Learning Disability Eligibility

2022

Today's Objectives

Participants will:

- review highlights from guidance document and supplemental materials
- forecast of future resources

Special Education Rule Changes: Background

- In 2015, AOE convened community partner committee to inform the development of SLD guidance for the state. The group - a broad array of experts in the area of special education identification-reviewed various methods for identifying SLD.
- Separately, in 2016, the AOE commissioned two studies that resulted in recommendations around education funding and practices.
- In 2018, the General Assembly enacted Act 173 based on those recommendations
- In response the State Board of Education opened the entirety of Rule 2360 which resulted in several changes to the Special Education (3-21) Rules.
- The State Board adopted the new Special Education Rule Series 1300 (Special Education Finance) and updated 2360 on May 13, 2021, to be made effective July 1, 2022.
- Included in those rule changes is the elimination of the discrepancy model for SLD eligibility

Guidance Documents

The AOE is developing a suite of resources and documents to provide guidelines for adopting consistent state-wide practices of determining whether a student has a specific learning disability (SLD) and to provide practical resources to educators as we move away from a discrepancy model to scientific, research-based intervention/instruction models.

Specific Learning Disability Guidance Document Overview

Federal Requirement

- States are required to adopt state-wide criteria for determining specific learning disability. Specific learning disabilities - SBE Rule 2362.2.5 creates criteria that meet these federal requirements.

Specific Learning Disability Guidance Document Overview

REVISED VERMONT SBE 2362.2.5

Procedures for Identifying Children with Specific Learning Disabilities - The Transition Away from the Discrepancy Model

- *In making the determination that a student has a specific learning disability the LEA shall decide whether to use a model based on whether the student responds to scientific, research-based intervention or to use a model based on other alternative research-based procedures for determining whether a child has a specific learning disability.*

Specific Learning Disability Guidance Document Overview

- Each LEA is responsible to identify the method for use in the LEA, which might include Multi-tiered System of Supports/Response to Intervention (MTSS/RTI), Assessment and Patterns of Strengths and Weaknesses (PSW) approaches or a combination of approaches.

Specific Learning Disability Guidance Document Overview

It is expected that LEAs have assessment, intervention, monitoring progress and data collecting mechanisms in place which include the components as described in the [VTmtss Field Guide 2019](#).

Specific Learning Disability Guidance

Document Overview

5 Key Elements with supporting documents/resources.

1. The student **demonstrates a lack of adequate achievement** in one of the eight basic skill areas when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards.
2. The student **demonstrates a lack of progress** when provided with scientific research-based instruction and interventions.
3. Underachievement is not the result of **exclusionary factors**, including visual, hearing or motor disability, intellectual disability, emotional disturbance, cultural factors environmental or economic disadvantage, limited English Proficiency, or lack of instruction in reading or math.
4. **Observational data** reflect academic and behavioral performance within the classroom reflects area(s) of concern.
5. Documented **parental notifications** and participation throughout the process.

Element 1: Lack of Adequate Progress

As part of the school's Local Comprehensive Assessment System, students' current levels of performance are documented and then repeatedly assessed over time to provide the evidence that educators use to make decisions about students.

[Universal Screening Assessment Recommendations](#)

Element 1: Lack of Adequate Progress

Teams should use this opportunity to review the student's access to high quality instruction.

Considerations for Appropriate Instruction

Self-Assessment Tool

Purpose

The following tool was developed to aid Educational Assessment Teams (EST's) in the consideration of whether or not a student received appropriate instruction over the course of remote or hybrid instructional periods, and whether or not a lack of appropriate instruction was the determinate factor in a student's lack of adequate progress.

COMMUNICATION

1. Did school staff and/or faculty engage in sufficient outreach to re-engage the student if they were not engaged, attentive or in attendance for instructional activities? *Please describe type and frequency below.*

Yes No

Next Steps: [Click or tap here to enter text.](#)

Element 2: Lack of Adequate Progress

As with achievement, a school's Local Comprehensive Assessment System, should provide progress monitoring data to assess students' academic and/or behavioral performance and evaluate the effectiveness of instruction and intervention

Element 2: Lack of Adequate Progress

Guidelines for Research-based Instruction and Interventions: (E2)

- Research/evidence-based intervention that has shown to be effective is provided to all students within a tiered framework. See: [What Works Clearinghouse](#) and [Use of Levels of Evidence](#)
- Scientific, research-based reading intervention should include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.
- Scientific, research-based math intervention should include explicit and systematic instruction in problem-solving, arithmetic skills and computational fluency, precise use and teaching of mathematical vocabulary, conceptual knowledge through multiple representations and number lines, reasoning ability.
- Intervention is provided by qualified/trained personnel and staff.
- Intervention is implemented with fidelity.
- Intervention is selected that is culturally and linguistically responsive to the language and learning needs of students whose first language is not English.

Element 3: Exclusionary Factors

A team must consider exclusionary factors to determine that:

- visual, hearing or motor disability,
- intellectual disability,
- emotional disturbance,
- cultural factors,
- environmental or economic disadvantage,
- limited English Proficiency, or
- lack of instruction in reading or math

are **not** singularly accounting for the student's performance.

Element 4: Observation

Observation of a student in his/her learning environment is mandated by IDEA (34 CFR 300.306(a)(1) and 34 CFR 300.300(a). At least two observations are required:

- 1) a routine classroom observation prior to the child's referral for evaluation and,
- 2) an observation focused on the child's academic performance in the regular classroom that is conducted after referral (and with parental consent) by trained observers.

Observation Form

Content area: Literacy	Content area: Math	Grouping format for student:
<input type="checkbox"/> Phonemic Awareness <input type="checkbox"/> Phonics <input type="checkbox"/> Fluency <input type="checkbox"/> Vocabulary Comprehension <input type="checkbox"/> Handwriting <input type="checkbox"/> Spelling <input type="checkbox"/> Written Expression	<input type="checkbox"/> Counting & Cardinality <input type="checkbox"/> Operations & Algebraic Thinking <input type="checkbox"/> Number & Operations (Base Ten) <input type="checkbox"/> Measurement & Data <input type="checkbox"/> Numbers & Operations (Fractions) <input type="checkbox"/> Geometry	<input type="checkbox"/> Small group with teacher <input type="checkbox"/> Co-teaching <input type="checkbox"/> Whole group <input type="checkbox"/> Individual <input type="checkbox"/> Partner <input type="checkbox"/> Centers
OTHER:	OTHER:	# of students in group/center ____

Observation of target student's participation

	Target Student:	Comments:	Peer(s):	Comments:
% Of time in on-task behavior:				
% Of time in off-task behavior:				
# Response opportunities provided:				
# Responses given:				
Type of corrective feedback provided:	Select		Select	
# of corrective feedback given:				

Behavior Observation

(Use a Momentary Time Sampling Recording with 10-second intervals for 15 minutes.)

T = On Task: Student is engaged. M = Motor: Student is out of assigned seat or manipulating objects without teacher permission. V = Verbal: Student Inappropriately verbalizes or makes sounds with object, mouth, or body. P = Passive: Student is not engaged with assigned task

	Minute 1	Minute 2	Minute 3	Minute 4	Minute 5	Minute 6	Minute 7	Minute 8	Minute 9	Minute 10	Minute 11	Minute 12	Minute 13	Minute 14	Minute 15
Target student	Select	Select	Select	Select	Select	Select									
Peer(s)	Select	Select	Select	Select	Select	Select									

Element 5: Parental Involvement

Parents are partners in providing input on their child's educational and functional performance. LEAs need to engage parents throughout their educational experience. By the time any student is recommended for intensive interventions, or a comprehensive evaluation, families and educators will have positive and engaged relationships to support student learning. LEAs should prioritize the seven core principals from the [Family Engagement Toolkit and Self-Assessment](#):

- Creating a welcoming environment
- Building effective two-way communication
- Supporting the success of students
- Sharing power and responsibility
- Partnering with the community
- Providing equity and access
- Ensuring sustainability

Additional Considerations

- Team Roles and Responsibilities
- Evaluation and Assessment
- Resources and Tools

Team Roles and Responsibilities

Make clear the responsibilities of different professionals within the Evaluation Planning Team. Be sure to include all relevant partners including general education members, Educational Support Team members, special educators, parents, and the student where appropriate. School Psychologists support general education through evaluation, evidence-based intervention, and co-teaching, to support learning and may be valuable members as well.

Evaluation and Assessment

Eight components of a comprehensive evaluation:

1. Use a variety of assessment tools
2. May not use any single measure or assessment as the sole criterion
3. Must use technically sound instruments that are:
 - racially and culturally fair;
 - administered in native language;
 - used for purposes for which they are reliable and valid;
 - administered as designed by trained and knowledgeable personnel; and
 - tailored to area of educational need, adapted to physical and sensory disabilities
4. The child is assessed in all areas related to the suspected disability

Evaluation and Assessment

5. The evaluation is coordinated with assessments of other LEAs (e.g., when the student comes to a new school district with a previous evaluation and IEP, these data must be considered)
6. The evaluation is sufficiently comprehensive to identify the child's special education and related service needs
7. Assessment data directly assist persons in determining the educational needs of the child
8. Additional requirements: Review existing relevant evaluations and data and determine what additional data are needed

Specific Learning Disabilities Resources/Tools

- Core Instruction Observation Worksheet
- Determination of Eligibility: SLD Worksheet
- Specific Learning Disability FAQs
- Specific Learning Disability/Dyslexia FAQs
- Mathematics, Reading, Writing Worksheets
- General resources in the appendices

Determination of Eligibility: SLD Worksheet

List the area(s) of concern in the box below (e.g., reading fluency, math calculation, and reading comprehension).

For each area of concern listed, check "Yes" or "No" to indicate.

- (1) Inadequate classroom achievement,
- (2) Insufficient progress, and
- (3) Exclusionary factors as a primary reason DO NOT apply.

If all three are checked "Yes" for at least one area of concern, then the student meets eligibility criteria for SLD.

Area(s) of Concern Considered	Inadequate Classroom Achievement	Insufficient Progress	Exclusionary Factors DO NOT apply
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Math, Writing, Reading Worksheets



1 National Life Drive, Davis 5, Montpelier, VT 05620-2501
(p) 802-828-1130 | (f) 802-828-6430 | education.vermont.gov

Mathematics Worksheet

Purpose

The purpose of this document is to document that a student has received appropriate instruction and intervention in mathematics. This checklist must be completed for all elementary, middle, and high school students who have been referred to special education due to a suspected learning disability that affects mathematics. This information should generally be gathered prior to a referral to special education as part of early intervention (i.e., alternative procedures required to be implemented in regular education under VT Special Education Regulations. (All boxes must be checked with appropriate documentation provided

1. Core General Education Mathematics Instruction (Tier I)

- Student has participated in daily general education mathematics instruction using evidence-based interventions available to the entire class by the general education teacher.

Description of Instruction Provided: General education instruction should involve a comprehensive, district-wide math curriculum that addresses state standards and all important areas of math, (e.g., through the explicit teaching of strategies that promote

Contact Information

- Jacqui Kelleher, State Director of Special Education:

Jacqui.Kelleher@vermont.gov

- Chris Kane, Assistant State Director of Special Education:

Christopher.Kane@vermont.gov