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Presentation Content

- IDEA Requirements
- Part 200 Regulations (NYS)
- Part 300 CFR
- Reason for Changes
- New York State Direction
IDEA Requirements

Procedures to determine LD through RTI (or similar approach)

- Evaluation
- Data-based progress
- Student observation
- Written Report
- Group determination of disability
Information Sources

- Federal Statute (PL 108-446)
- Federal Regulations (300 CFR)
- State Laws and Regulations
- Materials from “National Research Center on Learning Disabilities” (NRCLD)
- Materials from NERRC
- LRP – “Special Educator”
- NASDSE publication on LD/RTI
- Other States
Learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations…
Learning disabilities. In determining whether a student has a learning disability as defined in section 200.1(zz)(6) of this Part, the school district:

(i) may use a process that determines if the student responds to scientific, research-based intervention as part of the evaluation procedures pursuant to paragraph (b) of this section; and
(ii) is not required to consider whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation or mathematical reasoning.
Changes to Part 300 CFR

The following are the final amendments to the federal regulations
Specific Learning Disabilities

States:

- Must not require use of “severe discrepancy”
- Must permit use of “process” based on child’s response to scientific, research-based intervention
- May permit the use of other alternative researched-based procedures
300.308 Additional Group Members

- Parents and team of qualified professionals:
  - Regular Education Teacher (or teacher at appropriate grade level)
  - At least 1 person qualified to conduct individual diagnostic examinations of children (School Psychologist, SLP, Remedial Reading Teacher)
300.309 Determining existence of a SLD

The child does not achieve adequately for their age or meet State-approved grade-level standards in one or more of the following when provided with learning experiences and appropriate instruction:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving
300.309

- Child does not make sufficient progress to meet age or State-approved grade-level standards when using a process based on child’s response to SBRI, or
- Child exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, State-approved grade-level standards, or intellectual development determined by the group to be relevant to the identification of a SLD, using appropriate assessments.
300.309

Findings not primarily due to:

- Visual, hearing or motor disability
- Mental retardation
- Emotional disturbance
- Cultural factors
- Environmental or economic disadvantage
- Limited English Proficiency
300.309

To ensure that underachievement is not due to lack of appropriate instruction in reading or math, group:

- Must consider as part of the evaluation process, data that demonstrates:
  - Prior to or as part of the referral process
    - Child was provided appropriate instruction in regular education settings delivered by qualified personnel
  - Documentation of repeated assessments of achievement at reasonable intervals reflecting formal assessment of student progress during instruction, which was provided to parents
If child does not make adequate progress after appropriate period of time when provided instruction:

- Must promptly request parental consent to evaluate the child to determine if special education and related services are needed
- Must adhere to the timeframes
  - Unless extended by mutual written agreement
  -Whenever a child is referred for an evaluation
300.310 Observation

- Must observe in child’s learning environment
  - To document academic performance and behavior in the areas of difficulty

- SLD determination group must decide:
  - Use information from a routine classroom observation before referral was made; OR
  - Conduct an observation in the regular classroom after the referral and with parental consent to evaluate
300.311 Written Report

Evaluation report and documentation of the determination of eligibility must include:

- Whether child has a specific learning disability
- Basis for making the determination
- Relevant behavior, if any, noted during observation and the relationship to academic performance
300.311 Written Report

- Educationally relevant medical findings, if any
- Whether:
  - child does not achieve adequately for age or to meet state-approved standards, and
  - Child does not make sufficient progress, or
  - Child exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, state-approved grade-level standards or intellectual development.
300.311

- Determination of exclusion factors
- If RTI process was used:
  - Instructional strategies used and data collected
  - Documentation that parents were notified:
    - State policies regarding data collected and general ed. services provided
    - Strategies for increasing child’s rate of learning
    - Parent’s right to request an evaluation
Why Change?

- Critique of current system
- The “process” described
- Advantages to the “process”
- Research
- Implications for Teacher Preparation
Criticisms of Current System

- IQ tests do not necessarily measure intelligence
- IQ and academic achievement are not independent – different scores are unreliable
- Children must “fail” first, get services later
Why RTI?

- RTI can be used as a component of LD determination
- Provides appropriate learning for all students
- Uses school-wide progress monitoring
- Promotes early identification of potential problems
- Uses multiple measures of performance, not measurement at a single point in time
Stakeholders and Experts

Participants:
- School Psychologists
- Reading/Literacy experts
- Math experts
- School administrators
- Teacher Organizations
- Institutions of Higher Education
- School Board Association
- Staff Development professionals
- NYS LDA (including parents)
Summary of Recommendations from the Stakeholders and Experts Groups

- Coordinated effort between EMSC and VESID (general & special ed. Offices)
- Define LD eligibility criteria
- Define an RTI Process (or similar process)
  - Essential Components
  - Length
  - Duration
  - What constitutes successful implementation
Summary

- Describe what schools must do and be accountable for
  - Who monitors?

- Fidelity of implementation

- Type of Professional Development
  - Highly Qualified Personnel (or Qualified Personnel)
Summary

Evaluation Process

- What constitutes “Universal Screening?”
- What constitutes sufficiently rigorous research? (SBRI, SRBI, EBE, etc.)
- How RtI data fit into a comprehensive evaluation?
- Parent Role in the process
- Roles of other professionals
Summary

**Special Issues**

- Highly transient students
- ELL students
- Gifted students
- Middle or secondary students
- Math
- Challenging Behaviors
Effective Professional Development

- Instructional Leadership

Effective Instructional Strategies
Links

www.nrclld.org
www.nasdse.org
www.aimsweb.com
http://dibels.uoregon.edu/