Questions and Answers

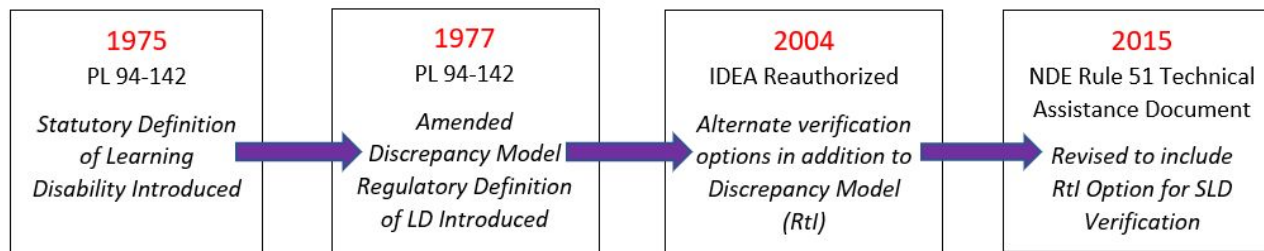*Using MTSS as a Framework for Special Education Verification*

This tool is intended for use by teams involved with verification determination (e.g., School Psychologists, Speech-Language Pathologists) to provide an overview of frequently asked questions related to MTSS in Nebraska. NeMTSS is a framework that promotes an integrated system connecting general education and special education, along with all components of teaching and learning, into a high quality, standards-based instruction and intervention system that is matched to a student's academic, social-emotional, and behavioral needs. The Nebraska Framework Document can be found at NeMTSS Framework and Assurances. Additionally, the most current NDE (SLD) TA document can be found at 2015 Nebraska TA Document SLD.

School Psychologists are frequently part of multidisciplinary evaluation teams and play an integral role in the NeMTSS process based on the range of knowledge and skills that they possess, in addition to their role throughout the multi-faceted framework. The role of the School Psychologist as well as an outline of specific knowledge and skills is described in the NASP Practice Model. Additional information regarding this Model can be found at: NASP Practice Model.

This document is organized by topic and does not represent a sequential process for navigating the NeMTSS system. The use of NeMTSS for the identification of a specific learning disability in accordance with 42 NAC 51 requires a deeply embedded Multi-Tiered System of Support framework (NeMTSS Assurances can be found at the end of the Framework document).

Historical Perspective: Special Education Eligibility for Specific Learning Disabilities (SLD)

1975	1977	2004	2015
PL 94-142	PL 94-142	IDEA Reauthorized	NDE Rule 51 Technical Assistance Document
Statutory Definition of Learning Disability Introduced	*Amended Discrepancy Model Regulatory Definition of LD Introduced*	*Alternate verification options in addition to Discrepancy Model (RtI)*	*Revised to include RtI Option for SLD Verification*

<u>Statutory Definition of Learning Disability</u> (1975)

Public Law 94-142 (the Education for All Handicapped Children Act of 1975) introduced the first definition (and still the current statutory definition) of Learning Disabilities in 1975:

> The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural, or economic disadvantage. (p. 794)

The statutory definition <u>lacks criteria</u> for determining the presence of a Learning Disability. As a result, in 1977, the first regulatory definition was released by the U. S. Office of Education (currently the U. S. Department of Education).

Regulatory Definition of Learning Disability (1977)

The advent of the regulatory definition of Learning Disability in 1977 introduced the use of *IQ-achievement discrepancy* as a way to identify specific types of learning disabilities, separate from other forms of underachievement. This regulatory definition persisted through several reauthorizations of 94-142. There would be no revision of this criteria until the reauthorization of IDEA in 2004.

> A team may determine that a child has a specific learning disability if: (1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a) (2) of this section, when provided with learning experiences appropriate for the child's age and ability levels; and (2) The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas: (i) oral expression; (ii) listening comprehension; (iii) written expression; (iv) basic reading skill; (v) reading comprehension; (vi) mathematics calculation; or (vii) mathematic reasoning. (b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of: (1) a visual, hearing, or motor handicap; (2) mental retardation; (3) emotional disturbance; or (4) environmental, cultural, or economic disadvantage. 42 FR 65083 (Dec. 29, 1977)

Individuals With Disabilities Education Improvement Act (2004)

The most recent reauthorization of IDEA was signed into law by President Bush on December 3, 2004. This reauthorization provided the first adjustment to the regulatory definition of Learning Disability and indicated LEA's are no longer required to take into consideration whether a child has a severe discrepancy between intellectual ability and achievement. Instead, LEA's may use a systematic process to identify a child's response to scientific, research-based intervention as part of the evaluation process.

Nebraska Department of Education Rule 51 (2015/2017)

In 2015 the Specific Learning Disability section of the Nebraska Department of Education Technical Assistance (TA) document was revised. The TA document was created in order to provide parents, teachers, special education and other educational staff with information on the identification, verification and determination of eligibility for special education services in accordance with NDE Rule 51. The revised section states a Severe Discrepancy Process can be used to determine whether or not a child has a specific learning disability. According to the revised TA document, teams may also determine a child has a specific learning disability if they do not achieve adequately, if they don't make sufficient progress to meet state-approved grade level standards, and if they exhibit a pattern of strengths and weaknesses in the seven academic areas outlined in the original IDEA definition.

In January of 2017 Revisions to Title 92 of the Nebraska Administrative Code, Chapter 51 were finalized. The Regulations and Standards for Special Education Programs (Rule 51) embedded language from the 2004 Reauthorization of IDEA regarding the use of methods other than the Severe Discrepancy Process to determine eligibility for special education in the area of specific learning disability. Teams are still required to demonstrate the child (1) meets verification guidelines (92 NAC 51 § 006), (2) demonstrates adverse effects on educational performance, and (3) demonstrates a need for special education.

Current Status

IDEA was due to be reauthorized in 2010 but was pushed back to allow for the reauthorization of the Elementary and Secondary Education Act in 2015 (now known as the Every Student Succeeds Act or ESSA). Reauthorization of IDEA is not likely to happen anytime soon, but there is an effort underway to gather information that could potentially support future reauthorization efforts. According to the Federal Register, a survey will be distributed in the Fall of 2019 to gain a better perspective of implementation of IDEA 2004 across the United States. Several agencies have provided feedback during the open comment session in regard to proposed survey questions. The Council for Exceptional Children is one such agency. The CEC letter to the U.S. Department of Education regarding the survey can be accessed here and includes several references to SLD verification, RtI and MTSS: CEC Letter to US Dept of Ed.

References

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Standards for Special Education Programs, 92 Neb. Dep. of Ed. 51 § 006.04K (final rule Jan. 1, 2017).

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Kristy Feden, ESU3

Identification and Verification/Determination in Nebraska

Parent request for evaluation: According to 34 CFR §300.301(b), parents may request an evaluation at any time. Districts using the NeMTSS framework for determination of a disability may not use that process to delay or deny such determination. If after reviewing the parent request and available data the LEA does not suspect that the child has a disability and denies the parental request for initial evaluation, according to 34 CFR §300.503(a) and (b) the LEA must provide written notice to parents. This written notice must include an explanation as to why the LEA refuses to conduct the initial evaluation and the information that was used as a basis for that decision.

Questions	Answers	NASP Practice Model Alignment
How do we determine **Criterion 1** has been met (*a student has failed to meet age or grade level state standards in one of eight areas following the provision of appropriate instruction*)? ● How are confidence intervals utilized in verification determination? ● What percentile rank(s) indicate student underachievement? ● What norms (Local,	The NeMTSS Framework (beginning on p. 38) provides in-depth information regarding Criterion 1. NeMTSS Framework Document Key considerations when making the determination with a building-based team that a student has failed to meet age/grade level state standards in one or more areas (additional questions can be found on p. 40 of Framework): ● What are the age/grade level standards expected of the student? ● Are most (80% or more) of the students achieving age/grade level standards--**WITHOUT** intervention? ● What was the student's level of performance prior to intervention (baseline)? ● What was the student's level of performance following intervention and what was their rate of progress (See p. 42 of Framework--this is included in Criterion 2)? ● What is the magnitude of difference between expected performance and the student's current skill level? Determining the provision of "*appropriate instruction*" is a collaborative process among building-based teams (and possibly district level specialists), and is a foundational	**Domain 1**: Data-based decision making and accountability **Domain 2**: Consultation and collaboration **Domain 3**: Interventions and instructional support to develop academic skills **Domain 5**: School-wide practices to promote learning **Domain 8**: Diversity in development and learning

State, National) can be used?	requirement of the determination process (p. 40 of Framework). This typically occurs by analyzing Treatment Integrity (Fidelity) of core curriculum as well as intervention implementation:
	
	● The following resource provides some examples of fidelity checklists and protocols Fidelity Tools
	
	Additional Information related to Criterion 1:
	● Confidence Intervals
	  ○ Confidence intervals provide the opportunity to address measurement error by identifying the range within which the student's true score likely falls (p. 39 of Framework) and eliminates reliance on a specific cut-score
	  ○ Minimizes the possibility of false negative errors
	● Percentile Ranks
	  ○ In a normally distributed construct, the 16%ile is one standard deviation below the mean
	● Normative Data: The choice of which norms to use is critically important based on the characteristics of the community; particularly if schools and/or districts vary significantly from age and grade level standards
	  ○ National: Provides a mechanism for comparison with other students across the country
	  ○ State/Local: Provides a mechanism for comparison within the state or a district/building (norms need to be updated annually to reflect the current population of students)
	    ■ According to the APA, AERA, and NCME (2014), Local norms should support intended interpretation and generalizations that need to be made to answer questions that arise within the problem-solving process
	    ■ Local norms may be helpful if a majority of the student population differs from the population on which national norms are generated--although teams should ask themselves "why" there are marked differences in achievement (e.g., examine the core) before determining a student may have a disability
	● Criterion Referenced
		Domain 9: Research and program evaluation

	○ Tests linked to specific standards or external criteria (e.g., NSCAS) ○ Could include local formative assessments	
What are some examples of data that can be utilized to demonstrate the student has failed to meet age or grade level state standards in one of the following areas: ● Oral Expression ● Listening Comprehension ● Written Expression ● Basic Reading Skills ● Reading Fluency Skills ● Reading Comprehension ● Mathematics Calculation ● Mathematics Problem Solving	Information regarding data sources can be found on p. 38 of the Framework Document. NeMTSS Framework Document NeMTSS Awareness Training will support districts and ESU's as they identify existing data sources. Teams should "take stock of data sources" and ensure assessment practices are aligned with identified needs within their student population. Teams should have clearly established decision rules for each domain (ELA, Mathematics, Social-Emotional) in order to document failure to meet age or grade level standards. Decision Rule Example ● Fletcher et al. (2019) recommends setting cut points or decision rules relatively high in order to avoid false negative errors Westside Community Schools Sample Decision Making Rules Special thanks to Westside Community Schools for sharing their decision making rules. Data Based Problem-Solving and Decision-Making	**Domain 1**: Data-based decision making and accountability **Domain 5**: School-wide practices to promote learning **Domain 9**: Research and program evaluation

Best Practices in Cognitive Assessment

Flanagan, Ortiz, Alfonso, and Dynda (2008) provide a comprehensive overview of shifts in practice in regard to cognitive assessment. In a previous edition of *Best Practices*, Flanagan and Ortiz indicated the field of school psychology that had been born in the "prison of the IQ test" has since been unlocked (Flanagan, Ortiz, Alfonso, & Dynda, 2008). They remind us "Tests neither diagnose or treat; people do" (p. 641). When used responsibly and intentionally and based on individualized referral concerns, they argue cognitive assessments can support teams with the determination of whether the student's failure to respond to scientific, research-based intervention is attributed to a disorder in one or more of the basic psychological processes. In contrast, Kovaleski, VanDerHeyden, and Shapiro (2013) indicate "there is little evidence to support the hypothesis that assessment of cognitive processes increases accuracy of SLD identification" (pp. 188-189). They demonstrate cognitive profiles

do little to contribute to the identification and diagnosis of SLD nor do they improve instructional outcomes for students. Fletcher et al. (2019) outlines concerns with the validity of cognitive discrepancy approaches to verification, citing the lack of empirical evidence demonstrating a link between cognitive process profiles and intervention/treatment outcomes.   For additional information, see pages 69 - 70 in the NeMTSS Framework Document (NeMTSS Framework Document).

References

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Re-Evaluation in Nebraska

Questions	Answers	NASP Practice Model Alignment
How is the MTSS framework utilized during a re-evaluation?	Information regarding re-evaluation can be found on p. 68 of the NeMTSS Framework Document. NeMTSS Framework Document Beginning with the 1997 reauthorization of IDEA, districts **have not been required** to conduct the same comprehensive evaluation for re-evaluation as required for initial verification. Re-evaluation data must answer the following questions: ● Does the student continue to be a student with a disability? What are their educational needs? ● What are the present levels of academic achievement and functional performance of the student? ● Does the student continue to need special education and related services? ● What additional or modifications (if any) are necessary to the student's special education and related services in order to enable the student to meet IEP goals and objectives and to participate, as appropriate, in the general education curriculum? Members of the student's IEP team (including parents) review existing evaluation data to include the following: current data gathered through ongoing progress monitoring, classroom observations, information provided by the parent, student performance on local, district, state assessments, and determine whether additional information is necessary in order to determine responses to the questions stated previously. Students continue to benefit from the MTSS Framework until effective evidence-based interventions have been identified and growth can be maintained.	**Domain 1**: Data-based decision making and accountability **Domain 3**: Interventions and instructional support to develop academic skills **Domain 4**: Interventions and mental health services to develop social and life skills

| | Data gathered through the MTSS Framework/progress monitoring may inform the re-evaluation process and assist the IEP team with determining continued eligibility as well as the educational and behavioral needs of the student. This data can also support the IEP team with documentation that the student's lack of academic or social-emotional progress is not the result of ineffective instruction. | |

Move-In Students (Within Nebraska; Out-of-State; MTSS Framework), Attendance and Mobility

Questions	Answers	NASP Practice Model Alignment
How is the MTSS framework utilized for students that move in from a district within Nebraska? How is the MTSS framework utilized for students that move in from out-of-state (particularly students who were verified using a RtI/MTSS process in a different state)?	**Transfer within Nebraska:** 92 NAC 51-007.08A states the following in regard to students that move in from a district within Nebraska: If a child with a disability (who had an IEP that was in effect in a previous school district or approved cooperative in Nebraska) transfers to a new school district or approved cooperative in Nebraska, and enrolls <u>in a new school within the same school year</u>, the new school district or approved cooperative (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous school district or approved cooperative), until the new school district or approved cooperative either: ● 007.08A1 Adopts the child's IEP from the previous school district or approved cooperative; or ● 007.08A2 Develops, adopts, and implements a new IEP that meets the applicable requirements of 92 NAC 51-007. 007.08B School Psychologists will want to consult their district policies/procedures regarding students who move in with a current Rule 51 verification determination of SLD, regardless of the process used for such determination (e.g., Discrepancy, MTSS). The provisions for re-evaluation may apply in these situations if the school district or approved cooperative determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation (or if the parent or teacher requests a re-evaluation). Until such time, the district will need to provide FAPE to the child as outlined in the child's current IEP.	**Domain 1**: Data-based decision making and accountability **Domain 2**: Consultation and collaboration **Domain 3**: Interventions and instructional support to develop academic skills **Domain 7**: Family-school collaboration services

	Transfer from outside Nebraska:
	
	92 NAC 51-007.08B states the following in regard to students that move in from a district outside of Nebraska:
	
	If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a school district or approved cooperative in Nebraska, and enrolls in a new school <u>within the same school year</u>, the new school district or approved cooperative (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous school district or approved cooperative), until the new school district or approved cooperative:
	    ● 007.08B1 Conducts an evaluation pursuant to Section 006 of this Chapter (determined to be necessary by the new school district or approved cooperative); and
	
	    ● 007.08B2 Develops, adopts, and implements a new IEP, if appropriate that meets the requirements of 92 NAC 51-007
	
	School Psychologists will want to consult their district policies/procedures regarding students who move in from out-of-state with a current verification determination of SLD, regardless of the process used for such determination (e.g., Discrepancy, MTSS).
	
	Districts with deep implementation of MTSS will have a process in place for all students, regardless of their educational background (e.g., move in from out-of-state, move in from another Nebraska district) that will allow them to answer questions regarding the student's unique educational and social-emotional needs.	

How do attendance and mobility impact team decision-making?	Teams must demonstrate students have access to appropriate instruction prior to making a determination regarding eligibility for SLD. If a student is chronically absent, the team should consider utilizing their problem-solving model to address absenteeism as it would be difficult to justify "provision of appropriate instruction" has been met. Heyne, Gren-Landell, Melvin and Gentle-Genitty (2019) summarize Kearney's definition of problematic absenteeism as follows:	

- Missing 25% or more of total school time within a 2 week time frame
- Severe difficulty attending classes for at least two weeks
- And/or absent for at least 10 days of school during any 15-week period while school is in session

Nebraska ESSA plan identifies chronic absenteeism as missing 10% or more of membership days between July 1 and June 30. NE ESSA Plan (Adviser also sets attendance thresholds that can be used as a data source).

According to Anderson and Leventhal (2017), students who move 3 or more times prior to age 7 are more likely to have depressive symptoms than stable peers. They also discuss the potential negative impact of moving (primary during elementary years) on academic development. In Nebraska, data is collected via Adviser regarding student mobility (students who move 1 or more times within a school year). Nebraska Education Profile (NEP) defines high mobility as follows: Any student who enrolls in two or more public schools during an academic year will be considered a highly mobile student. If a student's initial public school enrollment for the year is after the State's official membership day (last Friday in September), it is assumed that this enrollment represents the second public school enrollment occurrence for the school year. This number is divided by the total number of students served in grades K-12 by the district or state, respectively.

Students who are highly mobile likely do not have consistent access to appropriate instruction. Teams should utilize their problem-solving model to identify whether or not the child is meeting age or grade level standards, and then using that data and their problem-solving process to determine the need for intervention beyond the core (although they should consider the need for comprehensive evaluation if there is evidence a referral was made in the previous district, based on their district procedures).

Practitioners should consult their district or ESU policies and procedures regarding chronic absenteeism and mobility in regard to referrals for special education evaluation.

References

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Classroom Observation Requirement for SLD Determination (§300.310[b][1])

Questions	Answers	NASP Practice Model Alignment

Criterion 1: What does a quality classroom observation look like (*team must use information from an observation in routine classroom instruction*)?	Information regarding student observation can be found on pp. 57-59 of the NeMTSS Framework Document. [NeMTSS Framework Document](#)
	
	Kovaleski, VanDerHeyden, and Shapiro (2013) indicate "observing student behavior in the classroom offers opportunities for evaluators to **better understand the educational ecology** within which learning is occurring" (p. 111).
	
	Data collected through classroom observation(s) should address specific questions raised during the problem solving process--observation data should support teams with determining the following:
	● Whether the student meets eligibility guidelines for SLD
	● Whether adverse effects on educational performance are present
	● Whether or not the student needs special education services
	
	Observations should extend deeper than on/off task data. Observations should focus on understanding the contextual process of learning, factors that surround the learning process for a particular student, and *must occur* within the content area where the student is failing to meet age or grade level standards.
	
	Considerations:
	● Rate of active engagement vs. rate of passive engagement
	● Rate of correct responses to instruction
	● Student's performance in comparison to other students in the classroom
	● Opportunities to respond and practice skills (Was the student provided opportunities to respond?)
	    ○ Does the student respond to antecedent cues for student response (e.g., task)?
	    ○ Does the student respond to teacher questions?
	
	Observations also provide opportunities for assessing the quality of instructional processes
		Domain 1: Data-based decision making and accountability
		
		Domain 2: Consultation and collaboration
		
		Domain 3: Interventions and instructional support to develop academic skills

(documentation that student has been provided high-quality instruction).

Considerations:
- Does the student lack the acquisition of skills or is their failure to meet age or grade level standards a result of how they are being taught?
- What are they typical instructional conditions within the classroom--are they a match for the student (e.g., fidelity, intensity)?
- Does the student have the prerequisite skills necessary to participate?

Observational Methods:
- Narrative or Naturalistic (e.g., Antecedent, Behavior, Consequence; observing and descriptively noting behaviors and events)
  - Naturalistic observation includes recording behavioral events in their natural settings at the time of their occurrence
  - Most frequently used type of direct observation
  - Practitioners must be cautious not to over-interpret data from this type of observation
  - Interpretation is limited to descriptive accounts of behaviors/events as well as the time sequence within which they occurred
  - Shouldn't be used in high-stakes decisions
- Systematic Direct Observation: This method provides quantifiable data and requires a specific operational definition of the behavior to be observed
  - **Frequency/Event Recording**--most appropriate for behavior that has a discrete beginning and end
  - **Duration/Latency Recording**--helpful for determining length of response
  - **Time Sampling/Interval Recording**--whole (behavior is present throughout the entire interval), partial (behavior is present during any portion of the interval), or momentary (behavior is recorded as present or absent when the interval begins/ends)

Logistical Considerations:
- Observations should occur in the setting within which the student struggles. Teams could also consider an observation in the setting within which the student

demonstrates strengths as further justification for a verification determination.
- If the student's behavior varies according to factors such as group size, direct vs. group instruction, the observation setting should be based on data related to the student's area(s) of concern regarding instructional context and condition.
- The duration of the observation is based on whether or not data collected was sufficient to answer the eligibility determination questions--if an observation lasts 15-20 minutes and provides sufficient data to answer the question(s), the length of time was appropriate.
- Frequency of observations is determined in the same manner--if sufficient data has been gathered and is representative of the student's behavior/performance, the frequency is sufficient:
  - When the observation is complete, ask the teacher whether the student demonstrated behavior that is typical during classroom instruction and use this information as a gauge to determine the need for follow-up observation(s)

Classroom Observation Resource ICEL/RIOT Matrix

Classroom observation data should comprehensively demonstrate an understanding of the instructional context and how instructional processes within the classroom setting impact the student.

References

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Determining Language Proficiency: Considerations for English Learners (EL)

Questions	Answers	NASP Practice Model Alignment
How do we determine language proficiency in order to satisfy IDEA exclusionary criteria (§300.306[b][1][i-iii])?	Information regarding exclusionary criteria for EL's can be found on pp. 49-51 of the NeMTSS Framework Document. NeMTSS Framework Document This section is not intended to provide a comprehensive summary of English Learner (EL) characteristics, second language acquisition theories (e.g., see Krashen's Monitor Model, Sociocultural Theory, Sociolinguistic Theory, Comprehensible Input Theory), or provide an exhaustive list of culturally and linguistically effective instructional practices. It is imperative that teams intentionally provide professional learning opportunities directed toward equipping educators with instructional tools and knowledge related to EL's and their families. **Definitions** English Learners (EL) are **speakers of a language other than English who are in the process of acquiring English proficiency** (Hoover, Baca, & Klingner, 2016). EL backgrounds vary greatly--as a result, a variety of linguistic proficiencies in native languages and English are represented by any given EL population. Hoover and colleagues (2016) go on to say: "Bilingualism rarely means equal proficiency in both languages--EL's backgrounds and linguistic proficiencies in the native language and English vary" (p.67). Simultaneous Bilinguals: Exposure to two languages occurs early in the student's life and they enter school with some degree of proficiency in both languages. **A high percentage of EL students are simultaneous bilinguals. Sequential Bilinguals: Students who enter school as monolingual in their native language--they quickly begin to negotiate two languages upon entering public school.	**Domain 1**: Data-based decision making and accountability **Domain 3**: Interventions and instructional support to develop academic skills **Domain 5**: School-wide practices to promote learning **Domain 8**: Diversity in development and learning

Benefits of MTSS with EL's

Hoover and Soltero-Gonzalez (2018) indicate the structure of MTSS may benefit all learners, **particularly English Learners**, in several ways (p. 189):

1. Provides a framework for valuing diverse qualities and strengths to improve accessibility to core instruction through differentiation and increasing intensity and duration, based on the needs of the individual student
2. Frames instruction to assist educators to distinguish language acquisition and differences from disability
3. Holds promise as a model to improve learning outcomes and reduce misplacement of EL's for special education

Considerations Regarding EL Reading Acquisition

Phonological Awareness: Some students learning English may have difficulty and confusion with some sounds, as they may not have those sounds in their primary language (e.g., the "sh" sound is not common in Spanish). One strategy would be to learn which phonemes do not exist in the native or primary language of the child and support the student with learning/listening to these specific sounds.

Alphabetic Principle: Students who do not have sufficient oral English proficiency may not understand or make sense of the words they are reading. Text needs to be authentic and represent familiar context for the student. It is also important to remember *sounds may not be the same across languages*. For example, vowels look the same in Spanish and English but represent different sounds. Students who pronounce words as they would in their primary language may therefore sound "incorrect" in English, leading to the assumption they are a struggling reader. Students should learn English sounds in concrete ways and embedded within prior knowledge and experiences.

Fluency: English Learners need opportunities to read aloud in English and receive feedback. Hoover and colleagues (2016) suggest making sure the student understands the text and can decode all of the words prior to reading aloud. They also suggest echo reading and partner

reading so the student can hear a more expert reader. Reading more slowly and with less expression is not uncommon for English Learners and should not be confused with deficits in fluency.

Vocabulary: English Learners are by definition learning English and should not be expected to have the same vocabulary level as their proficient English-speaking peers. Many English Learners can effectively decode words, but they have no idea what the word means. English Learners not only need explicit instruction and pre-teaching of key vocabulary terms that will be introduced in text, but they also may need support with more common words such as prepositions, pronouns, figurative language, metaphors, idioms, and markers such as "however." New concepts should be specifically taught...teachers should focus on supporting EL's with vocabulary development prior to determining the existence of a potential deficit.

Reading Comprehension: Hoover and colleagues (2016) indicate reading comprehension of EL's is influenced by oral language proficiency, academic and cognitive skills, word recognition skills, fluency, vocabulary knowledge, abilities in both languages, interest, and capacity to use comprehension strategies. Cultural frameworks can also have a tremendous impact on the student's ability to understand the content of reading passages (e.g., an activity or event in the United States might look very different in another country). When determining whether the student understood the material they read, the focus should be on response over form (e.g., students shouldn't be penalized for grammatical errors, writing mechanics).

Essential Questions for Teams to Consider

Questions (from Colorado Department of Education):

• Is there evidence that universal (core) instruction is effective with most students who share this student's cultural characteristics and/or stage of English language proficiency?

• Does evidence exist that a student's achievement and rate of progress differ significantly from that of demographically similar students? It is important to make a comparison to students with similar cultural background, language, age and/or stage of English language acquisition.

• Is instruction/intervention implemented determined to be culturally and/or linguistically appropriate?

• If the student is an English Learner (EL), is s/he receiving explicit academic intervention in the area(s) of learning difficulty in addition to English Learner (EL) services?

• Is the achievement gap with grade-level peers closing?

At the core of any decision making process, teams need to first be able to answer "yes" to the following question:

Is my instruction culturally, linguistically, and pedagogically appropriate to meet students' needs? The link below is a resource to help teams answer this question.

Checklist of Criteria to Operationalize Culturally and Linguistically Responsive MTSS.
(Reprinted with permission)

Additional considerations for decision-makers (Hoover et al., 2016, pp. 99-100):
● What evidence suggests the teacher has developed a strong, positive relationship with the child/family?
● How is instruction personalized and how does it value the child's linguistic/cultural background? How does instruction connect classroom learning to the child's daily experiences?
● In what ways does instruction give sufficient attention to affect, interest, and motivation?
● How does instruction pay sufficient attention to the development of oral language?
● How has the teacher accommodated aspects of reading that can be confusing for ELs?
● How has the teacher adjusted instruction to accommodate for sounds and letters that are different from English in the child's primary language?
● What are examples of instructional adjustments that have been made to provide students with additional support when they don't understand (e.g., explicit instruction)?
● Are books at levels students can read and understand?
● What strategies have been used to pre-teach key vocabulary?

	● What evidence exists to demonstrate teachers focus on the content of student response vs. form when checking for comprehension? **Data-Based Decision Making** Information regarding suggested indicators what ELs "can do" at different stages of language acquisition and across content areas can be found <u>here</u>. Classroom Observation/Environment (Hoover et al., 2016): ● Was there a connection with the student's cultural and linguistic background? ● Was there differentiation to reflect the student's preferred learning modality? ● Were diverse cultural values incorporated into curriculum delivery? ● Were student acculturation needs accommodated (e.g., adjusting to new school/community)? ● Did the teacher build on student's background experiences, knowledge, and scaffold instruction to link with existing knowledge? ● Did learning contexts reflect the student's home values, norms and teachings? ● Were student verbal interactions strategically used (less teacher talk)? ● Were curriculum and learning experiences cognitively challenging? ● Were cooperative, joint learning opportunities available for all students? ● Was academic language commensurate with the student's proficiency?	

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SLD Determination: MTSS in Secondary Settings

Questions	Answers	NASP Practice Model Alignment
What resources exist regarding SLD verification using the MTSS framework in Secondary settings?	The problem-solving process is applicable at all age/grade levels. Considerations at the secondary level when implementing MTSS include: ● Increasingly rigid class schedules ● Graduation credit requirements ● Distribution of content areas within secondary schedule Deeply embedded MTSS systems focused on early intervention/early identification should minimize and/or eliminate initial referrals in upper grades. Practitioners are encouraged to review the Re-Evaluation in Nebraska section of this document for information regarding use of MTSS to conduct a re-evaluation at the Secondary level. Resources regarding infrastructure, teaming, scheduling Related Resources MTSS Infrastructure American Institutes for Research: RtI in Secondary Settings Resources	**Domain 1**: Data-based decision making and accountability **Domain 3**: Interventions and instructional support to develop academic skills **Domain 4**: Interventions and mental health services to develop social and life skills

Oral Language, Listening Comprehension, and Written Expression

Questions	Answers	NASP Practice Model Alignment
What resources exist regarding SLD verification in the area(s) of oral expression and listening comprehension?	There is a resource available to Nebraska districts regarding a systematic, comprehensive problem solving process to identify the presence of a language delay. NSLHA Language Verification Matrix	**Domain 1**: Data-based decision making and accountability **Domain 2**: Consultation and collaboration
What resources exist regarding SLD verification in the area of written expression?	According to Fletcher et al. (2019), many students with SLD also have some degree of difficulty with written expression. However, there are challenges with defining exactly which academic skill deficits comprise the definition of SLD written expression. Students with word level reading disabilities will likely struggle with spelling. Oral language skills and working memory are also closely involved with composition. Written expression challenges are frequently associated with a diagnosis of ADHD due to concerns with motor control and planning required during the writing process. *In regard to the verification SLD in written expression, there is limited research available to indicate whether there is <u>truly</u> a subgroup of students who have difficulties solely with written expression, yet have no concerns in other academic areas.* The following definitions of the components of writing are taken from Fletcher et al. (2019): ● <u>Transcription</u>: Production of letters and spelling, basic mechanical processes (e.g., spelling, punctuation)	**Domain 1**: Data-based decision making and accountability **Domain 3**: Interventions and instructional support to develop academic skills

| | ○ Problems in this area can impact automaticity of writing/composition
○ Handwriting fluency is an effective predictor of composition, note taking, and other written language tasks in adults
● <u>Generational</u>: Translation of ideas into language representations that must be organized, stored, and then retrieved from memory
    ○ Representative of composition
    ○ Applied to many aspects of language and thought

Effective tools for assessing handwriting, spelling and composition:
● Handwriting samples with qualitative assessments of legibility
● Spelling tests (although Fletcher and colleagues caution against the methodological limitations of single-word spelling tests and suggest scoring spelling errors within the context of writing samples)
● Fluency of letter writing
● Writing prompts graded on production and quality

UNDER CONSTRUCTION COMING SOON

This section of the Q and A document continues to be under construction. Spencer and Petersen's article (2018) referenced below is an excellent resource regarding a promising intervention for children in early elementary. Additional resources and information will be added to this section over the course of the 2019-2020 school year. | |

References

Fletcher, J. M., Lyon, G. R., Fuchs, L. S. & Barnes, M. A. (2019). *Learning Disabilities: From Identification to Intervention* (2nd Edition). New York, NY: The Guilford Press.

Spencer, T., & Petersen, D. (2018). Bridging oral and written language: An oral narrative language intervention study with writing outcomes. *Language, Speech, and Hearing Services in Schools, 49*(3), 569-581. doi:10.1044/2018_LSHSS-17-0030

Progress Monitoring

Questions	Answers	NASP Practice Model Alignment
What progress monitoring tools are available for academic areas other than reading? How do we use our progress monitoring data to make decisions?	Information regarding progress monitoring can be found on pp. 42-46 of the NeMTSS Framework Document. [NeMTSS Framework Document](#) Progress monitoring should be accompanied by **measures of fidelity** to ensure the intervention is being implemented as intended (Fletcher et al., 2019). School Psychologists must also work closely with their problem solving team to ensure the correct intervention was matched to the identified student need. A key component to SLD verification is the focus on measurement of a student's response to quality instruction. Fletcher at al. (2019) cautions that we need "more research on what constitutes appropriately intensive intervention, optimal methods for estimating slope and intercept effects, as well as cut points to validly differentiate adequate from inadequate responders" (p. 86). Problem solving teams can mitigate these concerns by utilizing multiple data sources throughout the problem solving process. Decision Making Rules: Cut-off scores provide one source of data for decision-making, but may not identify every student of concern. Because of this, specific threshold with corresponding confidence intervals (to account for measurement error) can help minimize false negatives (missing students who need intervention). As the number of data points increases, the chance of measurement error decreases. Research varies in regard to the number of data points needed to determine the effectiveness of the intervention (the range is from 6-10 data points). Teams must utilize a deeply embedded problem solving system to ensure students are not wasting instructional time with an intervention that is not working.	**Domain 1**: Data-based decision making and accountability

	However, districts must be careful of expending limited resources by avoiding over-identification of children who don't need more intensive intervention. Deeply implemented MTSS systems with progress monitoring over time can minimize false positives (identification of students who don't require intervention). Decision points should include **multiple sources of data**. Some children who make significant progress over the course of the year may still fall below benchmark on end-of-year progress monitoring or other assessments. Sample Decision Rules (*special thanks to Westside Community Schools for sharing this example*): Westside Community Schools Sample Decision Making Rules Progress monitoring tools: ● National Center on Intensive Intervention Academic Progress Monitoring Tools Chart Progress Monitoring Tools ● Requests to review specific tools can be made via the NeMTSS website Program Comparison Chart	

References

Fletcher, J. M., Lyon, G. R., Fuchs, L. S. & Barnes, M. A. (2019). *Learning Disabilities: From Identification to Intervention* (2nd Edition). New York, NY: The Guilford Press.

Lichtenstein, R. (2008). Best practices in identification of learning disabilities. In Thomas, A. & Grimes, J. (Eds.), *Best practices in school psychology v* (Vol. 2, pp. 295-316). Bethesda, MD: National Association of School Psychologists.

Nebraska Reading Improvement Act

Questions	Answers	NASP Practice Model Alignment
How does the Nebraska Reading Improvement Act relate to MTSS and potential verification of SLD?	Deeply implemented MTSS can meet all requirements of the law that was enacted in 2018 and went into effect during the 2019-2020 school year. Components of the law that directly align with MTSS include: ● Strong core instruction in the area of reading ● MTSS individual student problem solving plan ● Early identification of readers who are not meeting grade-level expectations (through a systematic problem-solving process) ● Targeted implementation of evidence-based interventions with fidelity ● Provision of tools and resources to support high-quality literacy instruction ● Reliance on family, community, and school partnerships Additional information can be found on the Nebraska Reads page of the Nebraska Department of Education website. Individual student plans (e.g., IEP, MTSS, Section 504) are designed to identify areas where the student is not meeting grade level standards (or in the case of a 504 plan, substantial limitations to one or more major life activities) as well as evidence-based strategies or specially designed instruction to address the identified areas of need. These plans could meet the requirements of the Nebraska Reading Improvement Act without requiring a separate Individualized Reading Improvement Plan.	**Domain 1**: Data-based decision making and accountability **Domain 2**: Consultation and collaboration **Domain 3**: Interventions and instructional support to develop academic skills

<u>Toolkit</u>

1. Classroom Observation Resource [ICEL/RIOT Matrix](#)

2. Identification of assessment tools, their purpose, administration schedule, and reliability data: [Assessment Tool Data Collection](#)

3. High Quality Instruction for Newcomer Students [US Dept of Ed Resource: Instruction](#)

4. Sample forms (MDT template, Problem-solving, Determination Process)
    a. [Iowa Department of Education Evaluation Report (p. 393)](#)
    b. [Florida Problem Solving Worksheet](#)
    c. [Florida Decision Making Tool for SLD and SLI](#)
    d. [Florida Intervention Monitoring Worksheet](#)
    e. [Colorado Determination of SLD Eligibility](#)
    f. [Kansas Eligibility Report Checklist](#)
    g. [American Institutes for Research RtI and Special Education](#)
    h. [RtI Network Link to Checklists and Forms](#)
    i. [RtI Network SLD Determination Worksheet](#)

5. Sample decision rules [Iowa Department of Education General Guidance (p.39)](#); [K-5 ELA Problem Solving Process Sample](#)

6. ESSA, MTSS and the Role of the School Psychologist: Go to www.nasponline.org and search for "*ESSA and MTSS for School Psychologists*" (NASP Membership not required). This is a Word document that must be downloaded.

7. Also on the NASP website: "*Leveraging Essential School Practices, ESSA, MTSS, and the NASP Practice Model: A Crosswalk to Help Every School and Student Succeed*." There is a two-page summary or the full document that must be downloaded in Word.