

Determining the Eligibility of Students with Specific Learning Disabilities

2. Overview of Scientific Research-Based Interventions

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Chapter Overview

This chapter covers the framework for conducting a system of Scientific Research-based Interventions. It includes a comparison of steps in a system of SRBI with those of a pre-referral process. The comparison of steps should help clarify how the processes will work. The chapter also addresses the services provided to students once eligibility is established, and the types of services and interventions available to educators (U.S. Department of Education, 2002).

Note: The pre-referral process has included individual research-based interventions for many years; however, systems of SRBI are much more thorough.

Data collected from a system of SRBI provides just one part of a more comprehensive evaluation. If a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation becomes appropriate. MDE anticipates that a system of SRBI will lead to identification earlier than under the discrepancy model.

Regulation and Rule on Informing and Involving Parents in Intervention Planning

Schools using a system of SRBI must use documented procedures for informing and including parents. The federal regulations and state rules that govern the nature of data provided to parents are provided in this section. Quality practices discussed in this section suggest involving parents as early as possible to establish a collaborative relationship.

It is good practice to inform and involve parents in planning interventions even when systems of SRBI are not being implemented.

Federal Regulation

Federal Regulation CFR 300.311 Subpart (7)(ii) indicates that the documentation that the child's parents were notified about includes:

- State policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided,
- Strategies for increasing the child's rate of learning, and
- The parents' right to request an evaluation.

Federal Regulation CFR 300.309 Subpart (3)(b) data that demonstrate that prior to or as part of the referral process,

- The child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the parents.

Federal Regulation CFR 300.309 Subpart (c) The public Agency must promptly request parental consent to evaluate the child to determine consent to evaluate the child if the child needs special education and related services, and must adhere to the timeframes in CFR 300.301 and 300.303, unless extended by mutual agreement of the child's parents and group of qualified professionals as described in CFR 300.306 (a) [1].

Minnesota Rule

Minnesota Rule 3525.1341 subpart 3 and 4 requires documentation of the following information when using either an SRBI process or pre-referral interventions for eligibility decisions:

- Instructional strategies used and student-centered data collected.
- Notations that parents were notified about:

- Policies on the amount and nature of performance data and the general education services.
- Parent's right to request a special education evaluation.
- Strategies for increasing the student's rate of learning.
- Data collected from repeated measures gathered during instruction.
- Consent to extend the length of intervention.

Note: The provision to allow teams to extend interventions must occur with parent consent. This presumes that there will be some instances where the typical length of intervention stated in the TSES is not appropriate. Two possible examples include: a) frequent absences during the intervention cycle or b) judgment of the data indicating that an extension of the intervention is justified. It is considered good practice to document the reason for extension in addition to the necessary parent signature.



Quality Practices: Parental Involvement

- Communicate the reason for screening from the start of the school year as well as the results of screening.
- Involve parents in the decision to provide additional instruction or intervention.
- Gather health, medical, social, and emotional information from parents as well as other relevant information prior to selection of an intervention. [See the Developmental History Questionnaire.](#)
- Accompany the process of gathering information from parents with face-to-face or phone interviews. Mailing interview questions to parents without in-person interaction is strongly discouraged since parents may not understand questions or know what information is relevant to the professional.
- Gather a brief educational and developmental history so that relevant information is available for selecting interventions. Document findings for future reference.
- Collaborate on the selection of the intervention to be implemented.

Parents and instructional staff should collaboratively write the intervention plan. Schools using a system of SRBI are not required to gain consent for initial intervention and/or observation as long as both procedures are part of the system of classroom instruction and monitoring of student performance. Districts are encouraged to educate parents about the procedures prior to screening, so they and students understand the purpose of screening and how the results are used to improve student achievement. Districts may use *passive consent* to allow students to participate in intervention.



Although interventions are meant to accelerate performance and achievement for students reaching grade or age level expectations, at some point, likely during tertiary intervention, data may indicate that a student is not making progress. The team may determine that despite high quality instruction progress was not made and further evaluation is warranted (suspicion of a disability).

Child Find and Due Process procedures apply as soon as any involved party suspects a disability. Special education timelines apply when the schools receive a request or written consent for evaluation. In the event that parents and staff decide the intervention may work but requires more time, the intervention may continue. As previously described, Minnesota Rule indicates that parents must provide written consent in order to extend an intervention.

System of Scientific Research-Based Interventions (SRBI)

Note: This section relates to interventions required by Minnesota Rule 3525.1341 and contained in subpart D. See Chapter 1 for more information.

Schools implementing a system of *scientific research-based interventions (SRBI)* likely use a framework called *Response to Intervention*. The framework includes a multi-tiered system of screening, evidence-based interventions and ongoing assessment of the effectiveness of interventions. Multiple sources of information are used to select and provide responsive instruction for students and/or groups of students who are at-risk of not making adequate progress in developing academic, social/emotional or behavioral skills.



Once selected, students in each tier receive targeted interventions only as long as necessary to remedy skills or behaviors that are below age or grade level expectations. All interventions must be scientifically research-based interventions. In the event that scientific research-based interventions are not available, evidence-based interventions should be used. Evidence-based instruction commonly refers to programs and techniques that have shown a record of success. For more information on evidence-based instruction, [visit the What Works Clearinghouse](http://ies.ed.gov/ncee/wwc/references/iDocViewer/Doc.aspx?docId=14&toCId=1) (<http://ies.ed.gov/ncee/wwc/references/iDocViewer/Doc.aspx?docId=14&toCId=1>). Commonly there are three tiers of intervention, shown in the table on the following page, but a school may use more or fewer levels of supports depending on their needs and resources.

Table 2-1

System of SRBI Tiers of Intervention

Tiers of Intervention
<p>Primary Prevention: Commonly referred to as core instruction or as Tier 1. Primary prevention is characterized by rigorous, evidence-based instruction aligned with state standards. In primary prevention the activities include screening to target instruction, differentiating evidence-based instruction to meet group needs, and in some cases implementing a class-wide research-based intervention. In primary prevention, the teacher clearly explains to the parent the age and grade-appropriate expectations and the student's performance. Two or more times per year students are screened or tested and performance is compared with age- or grade-level goals and expectations. If a student's performance is meeting expectations, high-quality instruction continues.</p> <p>If a student's performance falls below age- or grade-appropriate expectations, the teacher contacts the parent and discusses the need for supplemental instruction. This step will typically occur after screening, but may occur earlier.</p> <p>Parents review with the teacher or a team of professionals what is known about the student's performance, and verify the need for additional or intensive intervention. In some instances this process is termed problem solving. Participants in the conference review the relevant data (academic, behavioral and/or social-emotional, etc.) to determine the appropriate supplemental intervention needed. Examples of interventions include decoding skills, vocabulary and comprehension development, and mathematical number sense.</p> <p>When agreement is reached on the type of intervention, goals and means of measuring progress and timelines for reviewing data area established. In the event that a student experiences significant or urgent need for academic or other supports, the team may waive the requirements for intervention and begin a referral for a comprehensive evaluation.</p> <p>All levels of intervention are delivered in addition to primary prevention that the student receives in the regular classroom setting.</p>

Tiers of Intervention

Secondary Intervention: Commonly referred to as Tier 2 or secondary intervention supports. Interventions are matched to students with similar needs. Instruction is typically delivered with more specificity, intensity, and in smaller groups. Group size may range from three to five students. Instruction is provided by the classroom teacher or a trained individual in addition to core instruction. The classroom teacher monitors the student's progress to determine if the selected intervention(s) are working. For many students secondary intervention supports will be enough to bring the student's performance up to age and grade level expectations.

Secondary intervention supports require an immediate determination of the student's current level of performance on a specific skill(s), goals and expected rates of growth. Progress toward meeting the student's goals is measured regularly by comparing expected and actual rates of learning. When achievement falls below what is expected, instructional techniques are adjusted.

Services are typically continued as long as the student needs additional assistance to reach grade level expectations. Parents and relevant instructional staff receive regular progress reports, typically progress monitoring graphs. The graphs assist parents and teachers in determining if the student is benefiting from the secondary interventions.

If secondary intervention supports are not successful, the relevant instructional staff and parent(s) meet to review the relevant data collected data and problem-solve a more tailored and intensive intervention. When the focus of the concern is behavioral, (for example excessive office referrals, inattention, etc.) an evaluation called *Functional Behavior Assessment (FBA)* may be conducted. It should be noted that whenever an individualized assessment is administered, parent permission is required.

Tertiary Intervention: Commonly referred to as Tier 3 or tertiary intervention supports. Tertiary intervention supports are designed for students who needs were not met by secondary interventions or who are in need of more intensive instructional supports than provided during primary prevention and secondary intervention supports.

A tertiary intervention is typically designed to be more focused in delivery of content, meet more frequently, meet for longer periods, or consist of a smaller group of students (ranging from 1-3 students). Tertiary intervention continues to be delivered over and above core instruction in the area of concern. A qualified specialist, trained staff person, guidance counselor, or a special education teacher, usually delivers the intervention or service.

If the data collected from regular progress monitoring checks indicate that the student is progressing toward or is at or above expectations, then the intervention is working. When students are successful within interventions, the focus of progress review meetings is to ensure continued progress and define when sufficient progress has been made. When the student is making sufficient progress to perform in secondary interventions or core instruction, tertiary interventions are reduced or removed.



Tiers of Intervention

In some cases a student will not demonstrate progress that would be expected; or will continue to need tertiary interventions that are not sustainable without special education supports. If the data collected from multiple interventions indicate that specially designed instruction is needed, the parent and school staff may decide to proceed with a full evaluation for special education services.

Important: Districts are responsible for articulating the levels of intervention supports provided prior to special education. Tertiary interventions should not imply that the student is suspected of having a disability or eligible for special education services. This will depend on the district's intervention model.

This comprehensive evaluation may include gathering information about:

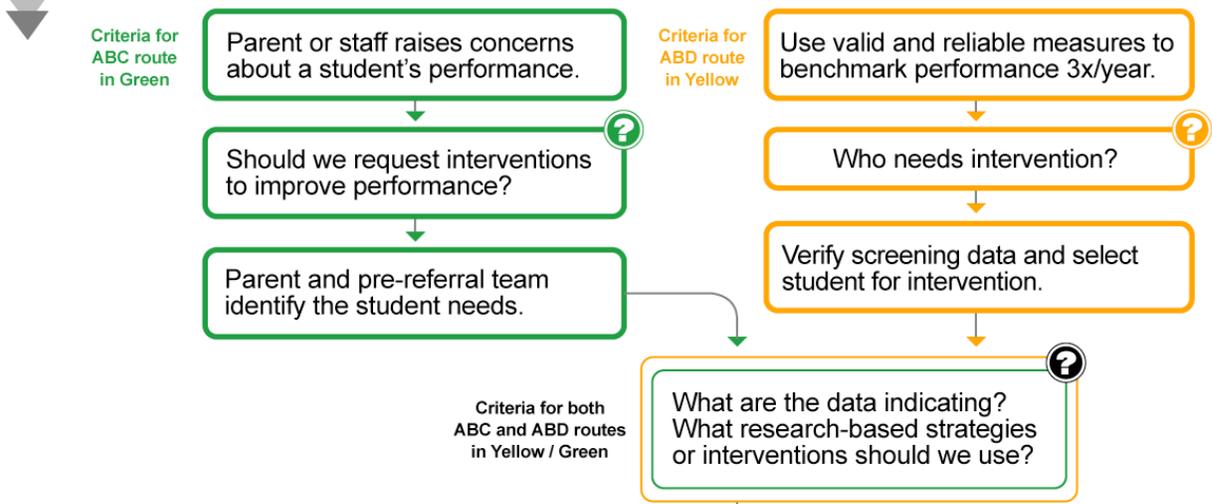
- Student achievement and behavior in the learning environment
- Student performance in the classroom setting noting relevant behavior
- Statement of whether the student has a specific learning disability
- The group's basis for making the determination
 - Aptitude and achievement tests
 - Parent input
 - Teacher recommendations
 - Information about student's physical condition, social or cultural background, and adaptive behavior
 - Achievement data indicating lack of achievement is not due to exclusionary factors (includes intervention and repeated assessments)
 - Relevant medical findings
- Additional documentation if student participated in system of SRBI
- Sensory abilities
- Social and emotional needs
- Medical history or diagnoses

Intervention within a Pre-Referral or System of SRBI

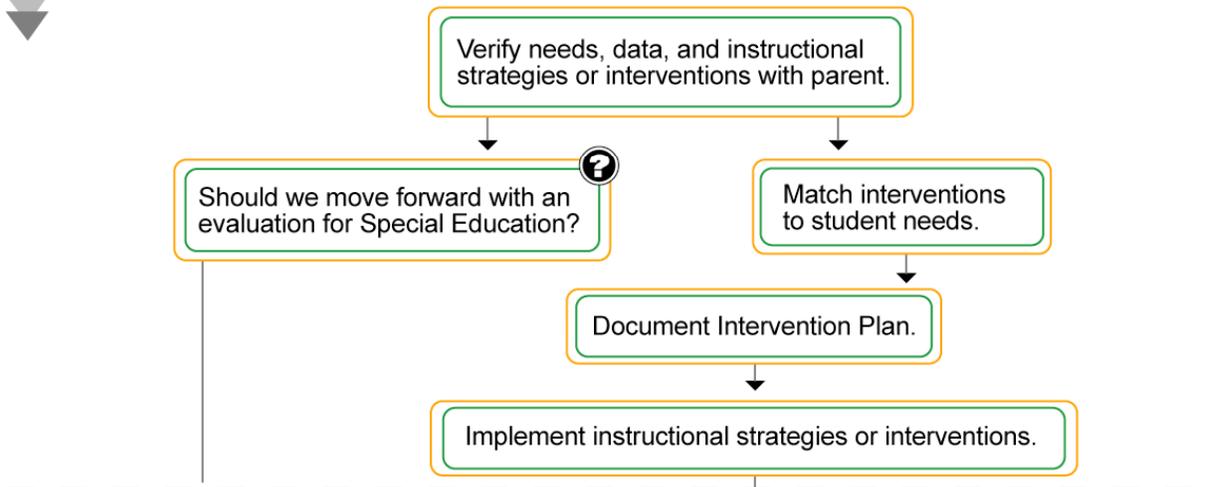
Figure 2-1 on the following three pages illustrates the entire intervention and system of SRBI process. Each phase corresponds to the criteria that may be used in an eligibility determination as well as a chapter in the SLD Manual.

Use the figure as an outline, which shows the major tasks in each phase and sequential steps in the intervention and evaluation process.

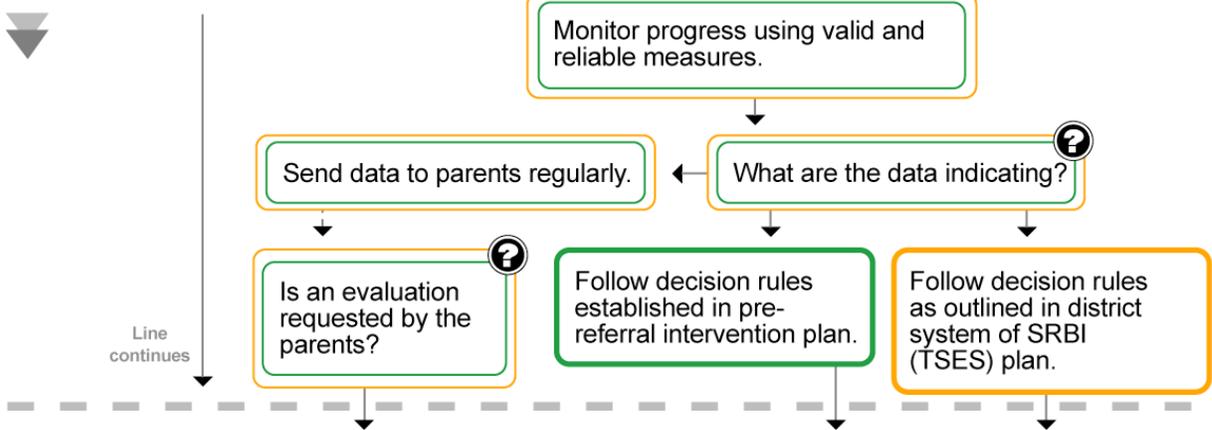
CH. 3: SCREENING

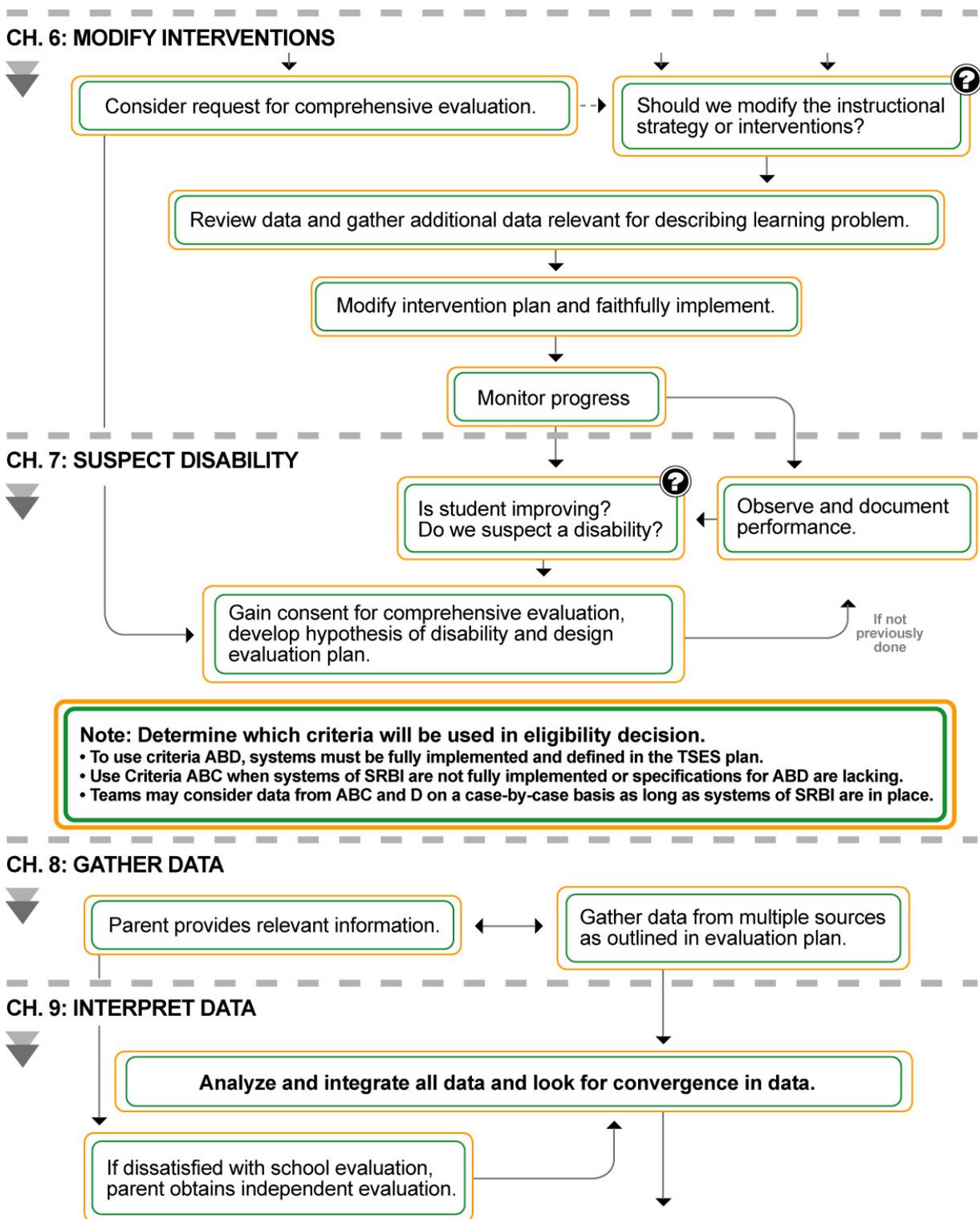


CH. 4: IMPLEMENTING SRBI



CH. 5: MONITOR PROGRESS





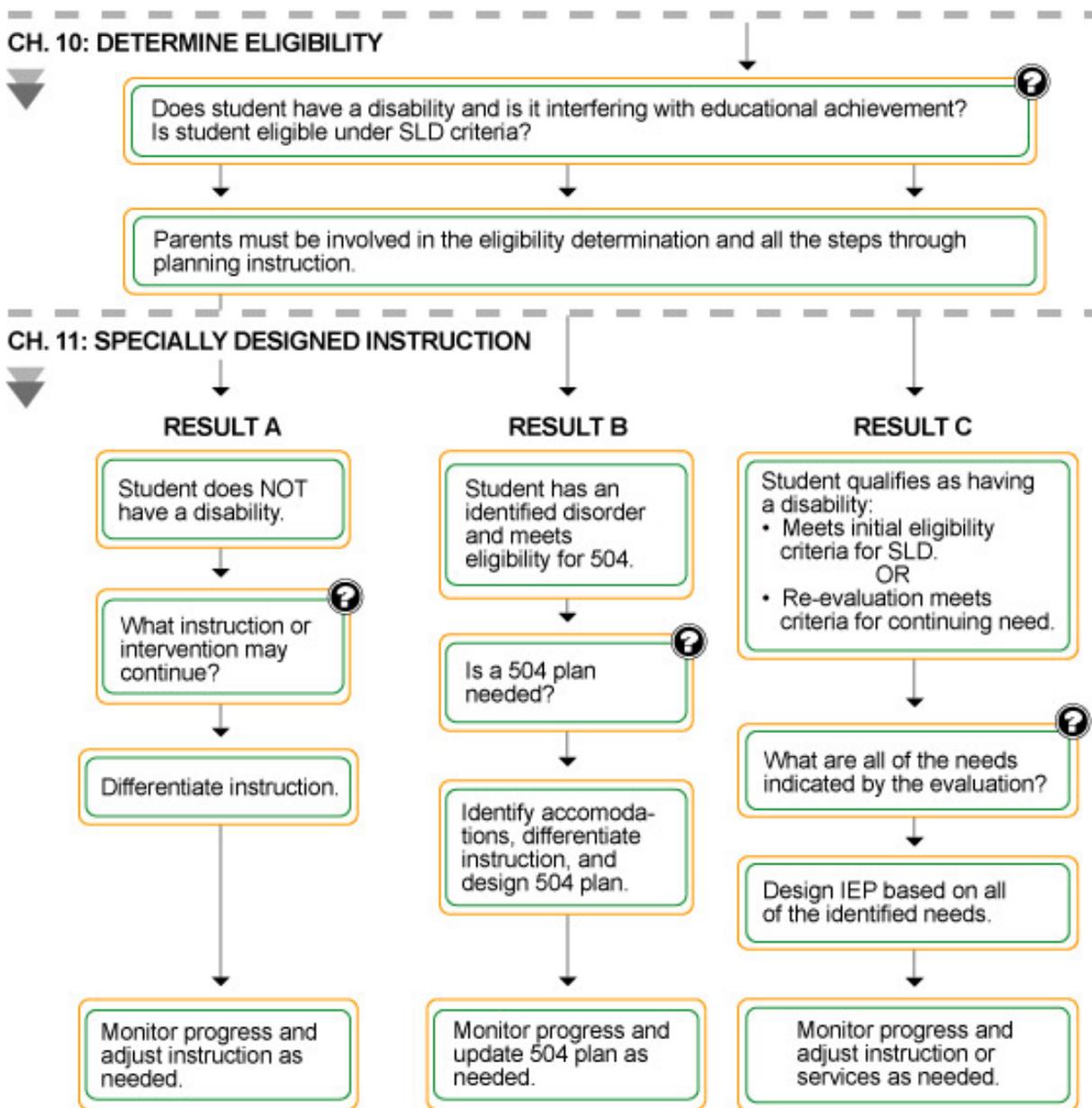


Figure 2-1. The Entire SRBI Process

Below is a brief description of each of the major phases and steps in the intervention and evaluation process.

Chapter 3: Screen and Identify Students

1. For schools with systems of SRBI, screening is the primary way to identify students who need additional instructional supports. Parents or staff member refer students between scheduled screenings. In schools without systems of SRBI, teacher or parents are the primary identifiers of students not making adequate progress.
2. Verify screening data to determine if a student is in need of additional supports. After referral, the student study team's best practice is to verify the concern and identify the specific student needs.

Chapter 4: Implement Alternate Instruction and Interventions (Supplemental to Primary Prevention)

3. The school and parent collaborate on verifying the student needs and instructional interventions. A specific statement of the academic/behavioral needs and appropriate research-based intervention(s) are documented in an intervention plan. The student is consistently provided the appropriate intervention by a trained individual. The interventions are supplemental instruction and should never occur during or as a replacement to core instruction in the area of concern.
4. Parents or staff have the option of requesting a comprehensive evaluation when the need is identified as urgent or if a written request for evaluation is made. If staff and parent agree to simultaneously move forward with an evaluation and intervention, consent for an evaluation is documented and formal timelines for evaluation begin. Repeated measures of performance during intervention may become part of the data gathered for comprehensive evaluation.

Chapter 5 and 6: Monitor Progress and Modify Instruction

5. Regularly monitor student performance during the intervention to determine the effectiveness and opportunities to accelerate skill acquisition. Gather repeated measures of student progress (progress monitoring data) at regular intervals to assist in evaluating the effectiveness of the intervention.
6. Send parent regularly reports of student progress.
7. School staff and parents review the intervention data according to pre-determined schedule and decision rules. If progress is not made, a process of problem-solving begins. Problem-solving includes: verification that intervention was delivered as intended, verification that the student received the appropriate amount, frequency, intensity, duration of intervention, reevaluation of identified skills and possible inhibitors to learning, a revised hypothesis the learning problem, and modification or change of the intervention.
8. Provide the student with the modified intervention. The delivery and monitoring steps of the intervention repeat. Continue intensive intervention in addition to core instruction.

Chapter 7: Suspect a Disability

9. Perform an observation of the student performing during instruction in the area of concern when the parent and/or staff determine that the student is not learning at a rate that is expected (as indicated in the intervention plan).
10. Parents and school staff review the progress monitoring data and prior intervention plan. Develop a hypothesis about a suspected disability. A disability may be suspected when high-quality research-based interventions and core instruction do not seem to be working. When data indicates that the learning problem requires more instructional, curriculum, or environmental supports than can be reasonably provided or sustained in the regular classroom environment.
11. Obtain consent for a comprehensive evaluation and implement due process procedures

Chapter 8: Gather Data for Comprehensive Evaluation

12. Convene a cross-disciplinary team to determine the evaluation procedures that will be used to identify the specific needs. Review screening data, intervention data, intervention outcomes, and developmental and educational history. Develop an integrated hypothesis of the suspected area of disability.
13. Develop an individualized comprehensive assessment plan using the data gathered from interventions and evaluation of the instruction, curriculum, and environment and hypothesis of the learning difficulty. Tailor the evaluation plan to the individual and to the remaining data to be gathered. Includes data that identifies if a disability exists and the ongoing instructional needs of the student. The team determines which SLD criteria to use in the eligibility decision criteria ABC or ABD. Note: Criteria ABD can only be used when systems of scientific research-based interventions are in place. In some instances the team may design the evaluation plan to gather data relevant to differentiate between competing hypotheses or suspected disabilities.
14. If not already completed as part of intervention process, perform initial observation(s) documenting performance in relevant areas of academic and behavioral difficulty.
15. Administer appropriate assessment measures to gather data that proves or disproves hypothesis.

Chapter 9: Interpret Evaluation Data

16. Analyze all relevant sources of data. Develop an integrated picture of student achievement and performance. Identify factors that facilitate and impede learning. Include findings from independent evaluations.
17. Evaluate the contribution of exclusionary factors and information processing abilities.
18. Look for convergence in data (must be consistent across a variety of sources and settings). Determine if further assessment data is needed to make eligibility determination or design appropriate instruction.
19. Write Evaluation Report (ER) and include evidence of the three chosen SLD eligibility components (ABC or ABD).
 - a. Does individual have a specific learning disability?
 - b. Does the disability affect the student's progress in the general curriculum? What improves/impairs performance?

- c. What are the educational needs that arise from the disability? Statements address all needs, skills and/or behaviors that must improve in order to participate and progress in the general education curriculum.

Chapter 10: Make and Communicate the Eligibility Determination

20. Communicate evaluation findings. Team makes eligibility determination.

Result A: Student does not meet criteria for a disability according to federal law.

Result B: Team has a student with an identified disorder or medical diagnosis but does not meet criteria for special education eligibility. Student meets eligibility for 504.

Result C: Students meets eligibility for a specific learning disability or other categorical disability.

Chapter 11: Design Instruction

21. Design continuing instructional plan.

Result A: Use findings from evaluation report to differentiate instruction within core instruction or continue additional supports. Monitor student progress and modify instruction as needed.

Result B: Develop a 504 plan. Differentiate instruction and provide appropriate accommodations. Consider continuing additional instructional supports. Monitor student progress and modify instruction as needed.

Result C: Data from evaluation report indicating current levels of performance in all areas of identified need is incorporated into present levels of performance statement on Individual Education Plan (IEP). Development of services follows from discussion of present levels of performance that must improve in order to participate and progress in the general education curriculum.

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