

WI-RtI Brief: Specific Learning Disabilities Rule Implementation and RtI

Some Clarifications



With a new Specific Learning Disabilities (SLD) rule that requires the analysis of data following intensive intervention, district and school staff have questions regarding the relationship between the new SLD rule and the state's concurrent emphasis on a school-wide system's approach to Response to Intervention (RtI). Although districts are encouraged to fully implement a RtI framework, RtI, as articulated by the Department of Public Instruction (DPI), is not required.

RtI in Wisconsin

Tony Evers, State Superintendent of Public Instruction, has made statewide implementation of RtI one of his priority initiatives. RtI serves as a guiding framework for other department initiatives such as the Common Core State Standards, the Smarter Balanced Assessment Consortium, and the Student Intervention Management System. In its first collaboration with the new CESA Statewide Network, DPI established the Wisconsin RtI Center, which has been charged with creating and providing professional development and key documents to assist districts at all stages of RtI implementation. The WI RtI Center works closely with DPI to operationalize DPI policy.

RtI is a school-wide approach that addresses the needs of *all* students and integrates assessment and supports within a multi-level system to enhance student achievement and behavior. In Wisconsin's vision, three essential elements are identified: balanced assessment, collaboration, and high quality instruction. Culturally responsive practices are infused throughout each. This framework for RtI *applies to the education of all students and its implementation requires significant systems change.*

SLD identification

Wisconsin's emphasis on using RtI as a systemic framework for educators to more effectively address the diverse needs of all students has occurred concurrently with changes in federal and state rules for identifying students with specific learning disabilities, the most common area of impairment under the Individuals with Disabilities Education Act (IDEA).

Under Wisconsin's new SLD rule, which took effect December 1, 2010, a student, upon initial identification, may only be found to have the impairment of SLD if the Individualized Education Program (IEP) team finds, upon analysis of data, that the student demonstrates inadequate classroom achievement and insufficient progress in one or more of eight academic achievement areas.¹ Determining "insufficient progress" based on significant discrepancy between intellectual ability and academic achievement will be phased out during the sunset period between December 1, 2010 and December 1, 2013, when IEP teams will no longer be allowed to use this criterion for making initial SLD eligibility decisions. As of December 1, 2013, IEP teams must consider data from progress monitoring following general education interventions to determine "insufficient progress".

A major change under the new SLD rule is how data is used to document "insufficient progress." The rule requires local education agencies to transition from using a formula-based criterion (significant discrepancy) to a **process** for determining insufficient academic progress based on a systematic analysis of multiple progress monitoring data and other information about a student's past and current educational experience. **The rule provides specific guidelines for the collection and quality of such data** and specifies that the progress monitoring data be derived from a student's documented response to intensive general education intervention. Once fully implemented, two of the required types of achievement data are achievement scores from individually administered, norm-referenced assessments and progress monitoring data from at least two scientific, research-based or evidence-based intensive interventions.



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RtI and SLD Identification

Wisconsin's vision of RtI is a comprehensive systems change effort. Having a fully implemented RtI system will make applying the new SLD eligibility rule much easier for districts. *The requirement that data from intensive intervention be analyzed when a student is initially considered for SLD eligibility directly links general education instruction and support with special education eligibility decisions.* This offers special and general educators a unique opportunity to collaborate around the adoption and implementation of RtI components. Such collaboration will advance the establishment of systems of support that have the capacity to produce data that could be used by both general education to improve the overall system, and IEP teams if a student is referred for a special education evaluation.

The following are facts to keep in mind about the relationship between a school-wide RtI framework and the SLD rule:

- Districts that have fully implemented RtI systems will adjust more easily to the new SLD rule and its data analysis requirements. However RtI, as defined by DPI, is neither a **prerequisite nor requirement** for IEP team application of Wisconsin's SLD rule. *The federal Office of Special Education Programs has made it clear that a district's failure to provide interventions as part of an RtI system cannot be used to deny or delay special education referrals.*ⁱⁱ
- Special education identification is not the end of an RtI process. The primary goal for implementing an RtI framework is to improve outcomes for all students, not to build a system to fulfill state and federal evaluation requirements for identifying students as having specific learning disabilities or any other impairment.
- All students, including students who receive special education and related services, function within a school or district's RtI system. Whether or not a school has implemented an RtI system, students with disabilities continue to participate in the system of support available to all enrolled students, including core instruction, screening and progress monitoring, and supplemental supports, unless a student's IEP team determines otherwise.
- Although the implementation of RtI affects all students, the new SLD rule affects a very small number — less than 4 percent of Wisconsin's school-age population.

Resources

DPI understands the demands being placed on districts as they strive to provide the data needed by IEP teams to make SLD eligibility decisions while making every effort to allocate the time and resources needed to create meaningful, sustainable systems of RtI for all students. Below are some resources that DPI hopes will help districts achieve these goals:

- Wisconsin RtI Center: www.wisconsinrticenter.org
- DPI's web page on RtI: www.dpi.wi.gov/rti/
- Wisconsin SLD Rule: Guiding Questions for Self-Assessing Readiness for Implementation: www.dpi.wi.gov/rti/
- Wisconsin Response to Intervention: a Guiding Document: <http://dpi.state.wi.us/rti/pdf/rti-guiding-doc.pdf>
- Additional guidance on the SLD eligibility rule: <http://dpi.wi.gov/sped/ld.html>
- Wisconsin RtI Roadmap: A Model for Academic and Behavioral Success for All Students Using Culturally Responsive Practices: <http://dpi.wi.gov/rti/pdf/rti-roadmap.pdf>
- Wisconsin RtI Self-Assessment for Schools and Districts: <http://dpi.wi.gov/rti/pdf/rtiselfassess.pdf>

ⁱ (PI 11.36 (6)(c)(1-2))

ⁱⁱ <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>