

# Wisconsin SLD Rule: Guiding Questions for Self-Assessing Readiness for Implementation



The following guidance is provided to assist LEAs and schools as they implement the new components of Wisconsin's special education eligibility rules for students suspected of having the impairment of Specific Learning Disability. This guidance is limited to the criterion for determining **insufficient progress** based on insufficient response to intensive, scientific, research-based or evidence-based intervention ([PI 11.36 [6][c][2][a]). This criterion must be met for all initial SLD evaluations beginning December 1, 2013. Until that time schools may either use this criterion or "significant discrepancy" to document the requirement that a student demonstrate insufficient progress upon initial identification as a student with SLD.

Additional guidance on the SLD eligibility rule is available at <http://dpi.wi.gov/sped/ld.html>.

## *Directions:*

In the following charts, **answer yes or no** to each question on the left. Then fill in the appropriate columns to the right, depending on how you answered each question. The charts will help schools answer an over-arching question:

***Are we prepared to implement the new SLD criteria for determining insufficient progress based on a student's response to intensive, scientific, research-based or evidence-based intervention?***

# Implementing Intensive Interventions

To use this criterion, schools must develop the capacity to implement **intensive**, scientific, research-based or evidence-based interventions for students who are not meeting grade level standards following core instruction and intervention typically provided to students who are not making adequate academic progress

		If Yes <i>self-assessment</i>	If No <i>action plan</i>		
		<i>What is your evidence?</i>	<i>What do we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Do we have the capacity (staff, time, funds) to implement two intensive interventions with fidelity? Yes <input type="checkbox"/> No <input type="checkbox"/>					
Do we have the capacity to implement such interventions closely aligned to each potential area of SLD concern?  Oral expression Listening Comprehension Written expression Basic reading skills Reading fluency skills Reading comprehension Mathematics calculation Mathematics problem solving Yes <input type="checkbox"/> No <input type="checkbox"/>					

<p>Do we have the capacity to assign appropriately licensed staff to serve on IEP teams who have implemented such interventions with referred students?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>				
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# Collecting Progress Monitoring Data

To use this criterion schools must use tools to collect progress monitoring data on student response to intensive, scientific, research-based or evidence-based intervention

		If Yes <i>self-assessment</i>		If No <i>action plan</i>	
		<i>What is your evidence?</i>	<i>What we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Do the progress monitoring tools include probes that can be used to establish a baseline based on three data points?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Can the progress monitoring tools be used at least weekly to reliably collect data on the student's response to intensive intervention?	Yes <input type="checkbox"/> No <input type="checkbox"/>				

## Analyzing Data

To use this criterion, schools must have the capacity to analyze progress data to decide if a student’s rate of progress during intensive intervention is sufficient or insufficient

		If Yes	If No		
		<i>self-assessment</i>	<i>action plan</i>		
		<i>What is your evidence?</i>	<i>What we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Do we employ staff who can serve on IEP teams and who are qualified to assess data on individual rate of progress using psychometrically valid and reliable methodology?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Do we employ staff who can serve on IEP teams and who have the skills needed to analyze the slope of a trend line using the least squares regression procedure on progress monitoring baseline and intervention data?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Do we employ staff who can serve on IEP teams and who have the skills to work collaboratively with staff to decide if the student is making progress during interventions?	Yes <input type="checkbox"/> No <input type="checkbox"/>				

<p>Does our staff collaboratively analyze data to decide if students' progress during interventions are the same or less than same-age peers?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>				
<p>Does our staff collaboratively analyze data to decide if students' progress during interventions are greater than that of same-age peers, but will not result in the referred student reaching the average range of achievement in a reasonable amount of time?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>				
<p>Does our staff collaboratively analyze data to decide if students' progress during interventions are greater than that of same-age peers, but the intensity of resources needed to maintain this rate of progress cannot be maintained in general education?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>				

# Conducting Observations

To use this criterion, systematic observation must take place.

	<b>If Yes</b> <i>self-assessment</i>	<b>If No</b> <i>action plan</i>		
	<i>What is your evidence?</i>	<i>What we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Do we have the capacity to conduct systematic observations of students during intensive intervention by an IEP team participant other than the individual who implemented the intervention? Yes <input type="checkbox"/> No <input type="checkbox"/>				

# Notifying Parents

To begin using this criterion, parents need to be notified and documentation of notification must be kept.

		If Yes <i>self-assessment</i>		If No <i>action plan</i>	
		<i>What is your evidence?</i>	<i>What we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Is the school ready to notify parents of the decision to begin using this criterion for initial SLD evaluations at least 10 days before starting to do so?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Do we have a system to document parent notification for the progress monitoring data collected?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Do we have a system to document parent notification for strategies for increasing the child's rate of learning including the intensive interventions used?	Yes <input type="checkbox"/> No <input type="checkbox"/>				
Do we have a system to document parent notification for the parents' right to request an evaluation?	Yes <input type="checkbox"/> No <input type="checkbox"/>				

# Professional Development

To implement this criterion well, staff will need professional development

		If Yes	If No		
		<i>self-assessment</i>	<i>action plan</i>		
		<i>What is your evidence?</i>	<i>What we need to do to get there?</i>	<i>Who is responsible?</i>	<i>Timeline</i>
Have we provided sufficient professional development on the new SLD criteria to LEA representatives and other staff who may be assigned to serve on IEP teams? Yes <input type="checkbox"/> No <input type="checkbox"/>					

## Legal References

Components of SLD rule related to criterion for determining insufficient progress based on insufficient response to intensive, scientific, research-based or evidence-based intervention.

**PI 11.36 (6) (c) (2) “Insufficient progress.”** Upon evaluation, the child has made insufficient progress in one of the following areas:

**PI 11.36 (6) (c) (2) a. Insufficient response to intensive, scientific, research-based or evidence-based intervention.**

The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas of potential specific learning disabilities under subd. 1. when using a process based on the child’s response to intensive scientific, research-based or evidence-based interventions. Intensive interventions may be implemented prior to referral, or as part of an evaluation, for specific learning disability.

The IEP team shall consider progress monitoring data from at least two intensive, scientific, research-based or evidence-based interventions, implemented with adequate fidelity and closely aligned to individual student learning needs. The median score of three probes is required to establish a stable baseline data point for progress monitoring. IEP teams shall use weekly or more frequent progress monitoring to evaluate rate of progress during intensive, scientific, research-based or evidence-based interventions.

Rate of progress during intensive intervention is insufficient when any of the following are true: the rate of progress of the referred child is the same or less than that of his or her same-age peers; the referred child’s rate of progress is greater than that of his or her same-age peers but will not result in the referred child reaching the average range of his or her same-age peer’s achievement for that area of potential disability in a reasonable period of time; or the referred child’s rate of progress is greater than that of his or her same-age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education.

If an LEA uses insufficient response to intensive, scientific, research-based or evidence-based intervention under this subdivision paragraph for any child being evaluated for specific learning disabilities enrolled in a school, the LEA shall use insufficient response to intensive, scientific, research-based or evidence-based intervention for all such evaluations of children enrolled in that school. At least ten days in advance of beginning to use insufficient response to intensive, scientific, research-based or evidence-based intervention in a school, the LEA shall notify parents of all children enrolled in that school of the intent to use insufficient response to intensive, scientific, research-based or evidence-based intervention.

### **PI 11.02 Definitions**

(1) "Adequate fidelity" means the intervention has been applied in a manner highly consistent with its design, and was provided to the pupil at least 80 percent of the recommended number of weeks, sessions, and minutes per session.

(4e) "Evidence-based interventions" means scientific, research-based interventions with substantial evidence of their effectiveness through multiple outcome evaluations.

(6t) "Intervention" means the systematic use of a technique, program or practice designed to improve learning or performance in specific areas of pupil need.

(6m) "Intensive interventions" means interventions used with individual or small groups of pupils, focusing on single or small numbers of discrete skills, with substantial numbers of instructional minutes in addition to those provided to all pupils.

(9) "Probes" mean brief, direct measures of specific academic skills, with multiple equal or nearly equal forms, that are sensitive to small changes in pupil performance, and that provide reliable and valid measures of pupil performance during interventions.

(10) "Progress monitoring" means a scientifically-based practice to assess pupil response to interventions.

(11) "Rate of progress" during an intervention means the slope of the trend line using least squares regression on the baseline and all subsequent data points during each intervention.

(12) "Scientific, research-based" has the meaning under section 20 U.S.C. 7801 (37). (Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs)

**PI 11.36 (6)(d)(3). IEP Team Membership:** In addition to the requirements for IEP team membership under s. 115.78, Stats., the IEP team for children being evaluated for specific learning disabilities shall include all of the following members:

- a. At least one licensed person who is qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology. A psychometrically valid and reliable methodology relies on all data sources specified in par. (g)., analyzing progress monitoring data that exhibit adequate statistical accuracy for the purpose of identification of insufficient progress as compared to a national sample of same-age peers.
- b. At least one licensed person who has implemented scientific, research-based or evidence-based, intensive interventions with the referred pupil.
- c. At least one licensed person who is qualified to conduct individual diagnostic evaluations of children.
- d. The child's licensed general education teacher; or if the child does not have a licensed general education classroom teacher, a general education classroom teacher licensed to teach a child of the same age; or for a child of less than school age, an individual licensed to teach a child of the same age.

**PI 11.36 (6)(e)(2)(d).** If the child has participated in a process that assesses the child's response to intensive scientific, research-based or evidence-based interventions, the IEP team shall use information from a systematic observation of pupil behavior and performance in the area or areas of potential specific learning disability during intensive intervention for that area, conducted by an individual who is not responsible for implementing the interventions with the referred pupil.

**PI 11.36 (6)(e)(2)(f)(8).** If the child has participated in a process that assesses the child's response to scientific, research-based or evidence-based intervention, documentation that the child's parents were notified about all of the following:

- a. The progress monitoring data collected.
- b. Strategies for increasing the child's rate of learning including the intensive interventions used.
- c. The parents' right to request an evaluation.