MTSS as a Means to SLI - LANGUAGE Identification
An Alternative to the Discrepancy Model
NeMTSS Summit 2019
Youse Conference Center - September 4, 2019
Penny Brown, M.Ed., M.S./CCC-SLP
Casie Olsen, Ed.S.
Kristin Watson, Ed.S. NCSP

Changes to Verification Guidelines

PREVIOUS Rule 51
The student’s communication shall consistently score between 1.3 standard deviations (SD)
below the student’s overall ability level and it shall affect communication in the classroom, at home, or
with peers. At least one form of the communication instruments used must be from the Nebraska
Department of Education’s (NDE) evaluation battery. Other forms of communication instruments
and additional diagnostic information must be considered and may affect the student’s eligibility.
Documentation may be reported by informants, such as parents or teachers or in the form of
language samples.

PRESENT Rule 51
(August 31, 2008-present)
In order for a student to qualify for special education service in the category of speech-language
impairment, the student must have a communication disorder such as stuttering, impaired articulation,
language impairment, or voice impairment. The disorder must also adversely affect the child’s educational
performance.

A three-part eligibility requirement for a child with a speech/language impairment is evident:

1. Meet verification criteria (92 NAC §51.006)
2. Documentation of adverse effect on educational performance
3. Determination that a need for special education is evident
Now What?

Project Questions

Where are we now?
- What is the history of speech/language verification procedures?
- What are other Nebraska school districts & ESUs using to guide special education eligibility decisions?

Where do we want to be?
- What needs to be collected and considered as “multiple sources of data” to support a SLI verification?
- How can “adverse effect on educational performance” be rated and documented?

How do we get there?
- How can Rule 51 and the TA Doc language evolve into a user-friendly tool to foster confidence & competency?
- Which format is most effective for making efficient, consistent & objective eligibility decisions?

Article Review

Identifying Learning Disabilities in the Context of RTI: A Hybrid Model
- 2002 - ASHA revised criteria to reflect current research and practices to ensure services are provided to all individuals in need.
- The use of cognitive referencing (cognitive & language discrepancy) as a means of diagnosing speech/language impairments is no longer appropriate in the eligibility determination process.
- Inexact guidelines of federal and state law for the verification of SLI permits schools to make arbitrarily influential eligibility decisions.
- School administrators pressure SLPs to verify more students to replace unavailable academic intervention programs.
- Policy reform may be necessary to improve the clarity of criteria for SLI - language.
- Supervisory support for SLPs to consistently and confidently make decisions based on student need as was intended by IDEA.
History of Severe Discrepancy Model

- 1977 – EHA was amended to include the mandatory use of the Severe Discrepancy Model to identify students as eligible for special education. ("a severe discrepancy between achievement and intellectual ability in one or more areas must be present").

- 2002 – ASHA revised Admission & Discharge criteria due to concerns with statements regarding the use of "cognitive referencing" that could deny speech-language services based on an student's communication abilities being commensurate with developmental abilities.

- 2004 – IDEA reauthorized marking a major change in how schools verify students for special education. Regulations call for a data-gathering model based on three primary criteria: (i) the student demonstrates low achievement or insufficient progress to meet age, state, or grade-level standards; (ii) the student shows an inadequate response to effective, research-based interventions; and (iii) a suspected learning disability is not due to a lack of instruction or language proficiency, or other exclusionary factors.

- 2008 – Nebraska Department of Education Regulations and Standards for Special Education Programs, Title 92, Nebraska Administrative Code, Chapter 51 (92 NAC 51-006), also known as Rule 51, and the Technical Assistance Document exclude the use of the Severe Discrepancy Model in evaluation and assessment.

Original Verification Rubric

DISABILITY CATEGORY
Speech - Language Impairment

- Identification of a disorder or delay in one or more areas of speech and language development.
- Determination of a disorder or delay in one or more areas of speech and language development.
- Identification of a disorder or delay in one or more areas of speech and language development.
- Determination of a disorder or delay in one or more areas of speech and language development.
- Identification of a disorder or delay in one or more areas of speech and language development.
- Determination of a disorder or delay in one or more areas of speech and language development.
- Identification of a disorder or delay in one or more areas of speech and language development.
- Determination of a disorder or delay in one or more areas of speech and language development.
- Identification of a disorder or delay in one or more areas of speech and language development.
- Determination of a disorder or delay in one or more areas of speech and language development.
Verification of a speech/language impairment shall be based on a pattern of communicative performance which is below the average range and documentation of significant adverse effect on the student’s educational performance.
Can a similar structure be utilized for making eligibility determinations for Specific Learning Disabilities?
Get out there and... give it a try.

Thank you!

Any questions? Contact us at:

- Penny Brown
  - plbrown@gips.org
- Casie Olsen
  - colsen@gips.org
- Kristin Watson
  - kwatson@gips.org