

MTSS as a Means to SLI - LANGUAGE Identification An Alternative to the Discrepancy Model

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Changes to Verification Guidelines

NEBRASKA DEPARTMENT OF EDUCATION

RULE 51

REGULATIONS AND STANDARDS FOR SPECIAL EDUCATION PROGRAMS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 01

EFFECTIVE DATE
JANUARY 1, 2017
(REVISED)

PREVIOUS Rule 51

The student's communication shall consistently score greater than 13 standard deviations (20 standard score points) 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 assessment instruments used must yield a standard score.

Prognosis, the student's motivation, dialect, and cognitive abilities must all 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 a voice impairment. The disorder must also adversely affect the child's educational performance.

VERIFICATION GUIDELINES FOR CHILDREN WITH DISABILITIES

Technical Assistance Document
Nebraska Department of Education
Special Education Office
September 2008

A **three-part eligibility requirement** for a child to be verified as a child with a speech/language impairment is as follows:

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?



4

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 decision?

5

Article Review



- ◆ 1977 - use of Severe Discrepancy Model added to EHA (Education for all Handicapped Children Act, 1964)
- ◆ 1990 - IDEA replaced EHA to focus on the individual, not the condition
- ◆ 2004 - IDEA reauthorized, the use of Severe Discrepancy Model was no longer necessary
- ◆ Instead, the evaluation process shall be a comprehensive data-gathering process, not a formula-based approach
- ◆ Response-to-Intervention (RTI) is an essential element in the location, identification & evaluation process.

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.

Admission/Discharge Criteria in Speech/Language Pathology



- ◆ Inexact guidelines of federal and state law for the verification of SLI permits external factors to detrimentally influence 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.

SpLang Services in Public Schools: How Policy Ambiguity in Eligibility Criteria Impacts SLPs in a Diverse & Resource-Constrained Environment

6

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 a 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: 1) the student demonstrates low achievement or insufficient progress to meet age, state, or grade-level standards; 2) the student shows an inadequate response to effective, research-based interventions; and 3) 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

CNSPP Speech-Language Impairment - Language Rubric

Verification Criteria	0	1	2	3
Percent of Words Correct (PWC)	Score 85-115 (90-95%)	Standard Score 78-84 (71-79thile)	Standard Score 70-77 (64-70thile)	Standard Score 63-69 (57-63thile)
Adverse Effect	None	At least one of the following: - oral narrative or written composition - reading comprehension - spelling	At least two of the following: - oral narrative or written composition - reading comprehension - spelling	At least three of the following: - oral narrative or written composition - reading comprehension - spelling
Review of District or Statewide Assessment	None	At least one of the following: - oral narrative or written composition - reading comprehension - spelling	At least two of the following: - oral narrative or written composition - reading comprehension - spelling	At least three of the following: - oral narrative or written composition - reading comprehension - spelling
Adverse Effect	None	At least one of the following: - oral narrative or written composition - reading comprehension - spelling	At least two of the following: - oral narrative or written composition - reading comprehension - spelling	At least three of the following: - oral narrative or written composition - reading comprehension - spelling
Mid	5-8		13-16	

Based on current assessment data, does the student score in the Moderate or Severe Range for a Language Disability? Yes No
 Is there documentation supporting evidence of adverse effects of the Language Disability on educational performance? Yes No
 Does this student require specialized instruction by the Speech Language program to develop language skill? Yes No

DISABILITY CATEGORY: Speech - Language Impairment

SECTION 1 - INTRODUCTION

This category includes students who have oral or written communication disorders that significantly interfere with their educational performance and are not the result of a hearing impairment, intellectual disability, or other physical condition that is not a communication disorder.

SECTION 2 - IDENTIFICATION

Speech or Language Impairment - To qualify for special education services in the category of speech-language impairment, the child must have a communication disorder, such as articulation, fluency, language development, or comprehension. The disorder must significantly affect the child's educational or in the case of a child with a hearing impairment, the child's educational performance.

SECTION 3 - MULTIDISCIPLINARY EVALUATION TEAM (MET) COMPOSITION

The Multidisciplinary Team (MET) should include the following members:

- The child's parents
- The child's teacher(s) or a teacher qualified to teach a child that age
- A speech-language pathologist and

SECTION 4 - VERIFICATION GUIDELINES

In order for a child to be verified as a child with a speech-language impairment, the evaluator must document a communication disorder in language or articulation, or recurrent patterns in reading or fluency.

Documentation of a speech-language impairment must demonstrate a pattern of deficits that has an adverse effect on the child's educational or educational performance in the areas of communication, oral expression, or fluency, based on the analysis of multiple data sources from among the following:

- Results of standardized and criterion-referenced assessments of speech or language
- Results of criterion-referenced speech-language samples
- Results of criterion-referenced communication measures
- Direct observation of the child in the natural environment or classroom
- Measurement of the child's functional skills
- Results of criterion-referenced assessments related to the general curriculum
- Assessment of communication supports provided in home or at school
- Relevant medical data
- Information from other sources and/or other caregivers and teachers

Verification of a speech-language impairment shall be based on a pattern of appropriate performance when it shows the language sample and documentation of significant adverse effect on the child's educational or educational performance.

A child will not be determined to have speech-language impairment if the determining factor is a lack of instruction or limited English proficiency.

Language refers to the sub-system and comprehension of spoken, written and/or other symbolic systems. The basic elements of language are:

- Phonemes
- Morphemes (speech sounds, sound patterns and rules of sound organization)
- Morphology (units of meaning)
- Syntax (rules governing word order and word combinations to form sentences)
- Pragmatics: the social aspects of language



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Can a similar structure be utilized for making eligibility determinations for Specific Learning Disabilities?

19



Specific Learning Disability Verification Framework DRAFT

Documentation of a Specific Learning Disability in the areas of basic reading skills, reading fluency, reading comprehension, math calculation skills, math problem solving, and written expression must demonstrate: 1) a pattern of academic achievement performance, which is consistently below the average range; 2) insufficient progress to meet grade-level standards OR has a pattern of strengths and weaknesses in performance and achievement relative to age, grade-level standards or intellectual development; 3) adverse effect on the student's and/or future average performance is not primarily the result of the extraneous factors listed on the framework below based on the analysis of multiple data sources.

A three-part eligibility requirement for a student to be identified with a Specific Learning Disability in the areas of basic reading skills, reading fluency skills, reading comprehension, written expression, mathematics calculation, mathematics problem solving is as follows:

	BELOW AVERAGE RANGE		AVERAGE RANGE	
	Standard Score 69 or below Below 10 th percentile	Standard Score 70-74 11 th -13 th percentile	Standard Score 85-90 50 th -53 th percentile	Standard Score 90-110 54 th -70 th percentile
Results of standardized assessments of achievement <ul style="list-style-type: none"> Basic Reading Skills Reading Fluency Reading Comprehension Math Calculation Math Problem Solving Written Expression 				
Results of criterion-based academic achievement tests based on academic assessments, curriculum-based assessments, and/or standards-based assessment <ul style="list-style-type: none"> MAP Growth MAP3 AIMSweb State IAS DIWFL Assessments Classroom Mastery Tests 	Standard Score 69 or below Below 10 th percentile	Standard Score 70-74 11 th -13 th percentile	Standard Score 85-90 50 th -53 th percentile	Standard Score 90-110 54 th -70 th percentile
Rate of Achievement (COP (AIMSweb)) <ul style="list-style-type: none"> Standard-Based Measurement (STAR)360 Home Instructional Program (HIP)360/365 Classroom Assessments 	Improvement rate below expected rate of grade level peers Growth Percentile Rank: <45th Goal line to track achievement grade-level standards. Trend line is consistently above goal line. Exception: "One standard" given targeted intervention		Improvement rate sufficient to show the achievement gap compared to grade level peers Growth Percentile Rank: >45th Goal line to track achievement grade-level standards. Trend line is at or above goal line. Able to meet standard/given targeted intervention	

SLD Framework, page 1 DRAFT

20



ENVIRONMENTAL ANALYSIS TO DETERMINE IMPACT ON LEARNING

ADVERSE EFFECT ON EDUCATIONAL PERFORMANCE

MINIMAL EFFECT ON EDUCATIONAL PERFORMANCE

ENVIRONMENTAL ANALYSIS TO DETERMINE IMPACT ON LEARNING:

NOT A CONTRIBUTING FACTOR TO LEARNING DIFFERENCE

CONTRIBUTING FACTOR TO LEARNING DIFFERENCE

SLD Framework, page 2 DRAFT

21
