south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

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Using Your

Response to Intervention System

for Identifying Students with Specific Learning Disabilities

Table of Contents

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II. Introduction

A. About this Document

As of July 5, 2007, districts have had the option to use a Response to Intervention (RTI) model as part of the evaluation process for identifying students with specific learning disabilities (SLD). To better assist districts in understanding how to put this evaluation process into action, this document was developed. This document is a comprehensive guide outlining the criteria and procedures to determine the existence of a specific learning disability (SLD) through a comprehensive Multi-Tiered System of Supports Response to Intervention (MTSS RTI) process.

B. Principles for All Students

In 2019, joint principles regarding "Eligibility for Special Education Under a Specific Learning Disability Classification" were developed through collaboration with multiple national organizations (e.g., American Speech-Language-Hearing Association, Council of Administrators of Special Education, Council for Exceptional Children, Learning Disabilities Association of America, National Association of School Psychologists, and more). These principles outline critical elements of an evaluation process when an SLD is suspected, and these principles are embedded within this technical assistance document. The principles, as defined by the partner organizations, are as follows and can be found at this link: Eligibility for Special Education Under a Specific Learning Disability Classification.

Education for All Students
Principle 1
All students should have access to general education that includes rigorous, differentiated, universally designed core instruction, as well as supplemental, evidence-based interventions designed to respond to students' individual needs.

Principle 2
Education professionals (all working as a team) should have the preparation, ongoing training, and resources required to collect and use universal screening information, select and administer assessments to measure student learning and monitor progress, and provide evidence-based instruction and interventions to support students in accessing the core general education curriculum.

Principle 3
Teams of education professionals should establish and maintain clear lines of communication with families. This communication helps professionals gain valuable input related to a student's strengths as well as their academic, social, behavioral, and health needs to ensure families, students, and service providers can participate in shared decision making on future instruction.

When a Disability is Suspected
Principle 4
An evaluation must lead to a clear, unbiased, and timely decision regarding special education eligibility, and the evaluation must inform whether the student requires special education in future instruction.

When Special Education Eligibility is being Determined and SLD is Suspected
Principle 5
Policies for determining student eligibility for special education services under the SLD classification should require the use of valid and reliable measures and should ensure consistency across school districts.

Principle 6
Comprehensive evaluations for special education eligibility under the SLD category must include data from targeted, valid, and reliable measures tailored to the unique learning and behavioral profile of each student. The selection of measures, and an eligibility determination, must consider both best practices and professional judgment.

Principle 7
Assessments that measure aspects of cognitive functioning may be used to rule out cognitive disabilities or may be used to inform educational decisions by documenting cognitive areas in which the student is struggling or excelling.

Principle 8
Teams of education professionals should use collected data on how a student responds to evidence-based interventions as an essential part of a student's evaluation. School personnel must not use response to intervention (RTI) procedures to delay a comprehensive evaluation or delay the determination of eligibility for special education services. (OSEP 2011 Letter to Directors)

III. Overview

A. Specific Learning Disabilities (SLDs) Defined

SLDs are neurodevelopmental disorders affecting an individual's capacity to excel in certain academic areas, and SLDs are one of the 13 disability categories under the Individuals with Disabilities Education Act (IDEA). SLDs are further described in South Dakota Administrative Rule (ARSD) below.

ARSD 24:05:24.01:18. - **Specific learning disability defined**
Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities; cognitive disability; emotional disability; or environmental, cultural, or economic disadvantage.

B. Determining Eligibility

According to ARSD 24:05:25:12., districts have two options for determining SLD eligibility. Option 1 is to use the discrepancy model, option 2 is to use data gathered throughout the Response to Intervention (RTI) process, to determine SLD eligibility. Districts who elect option 2, must submit a plan to the South Dakota Department of Education (SD DOE) that, at minimum, addresses the provisions in ARSD 24:05:25:12.

Response to Scientific, Research-Based, Intervention Model	IQ/Achievement Discrepancy Model

• What is the Area of Concern?
 • Do we have enough information from the interventions that have been tried to know how the student learns?
 • Is there enough information to develop a responsive, data-driven IEP if necessary?
 • What research-based strategies were implemented with the student?
 • Has assessment data been collected at reasonable intervals?
 • Have the student's parents been informed of:
   ▪ The teaching strategies
   ▪ The student's progress and
   ▪ Their right to request an evaluation?
	• Is there a severe discrepancy between ability and achievement in one or more Areas of Concern?
	 • Is there a pattern of strengths and weaknesses in performance and/or achievement?
	 • What information has been gathered from cognitive, behavioral, physical, and/or developmental assessments?
	 • Has the team considered data from multiple assessments?

Figure 1: RTI Model and Discrepancy Model

While both models have their benefits and challenges, this document is meant to provide all districts the tools and resources to better understand, and implement, an RTI for SLD Identification model. The RTI model provides opportunities for early identification and a more proactive and prevention-oriented approach to identifying and serving students with specific learning disabilities. Even when using the discrepancy model to determine eligibility, multidisciplinary teams must use a problem-solving approach within the multidisciplinary team framework to determine a student's eligibility for special education and related services.

Before using an RTI for SLD Identification model, districts must first have a well-established RTI framework. Once an effective RTI framework is established, districts can submit an RTI for SLD Identification plan to the South Dakota DOE. This plan must, at minimum, address the provisions included in ARSD 24:05:25:12. For assistance in developing an RTI for SLD Identification plan, see Appendix B: RTI for SLD Identification Checklist.

IV. Response to Intervention (RTI) Within a Multi-Tiered System of Support (MTSS)
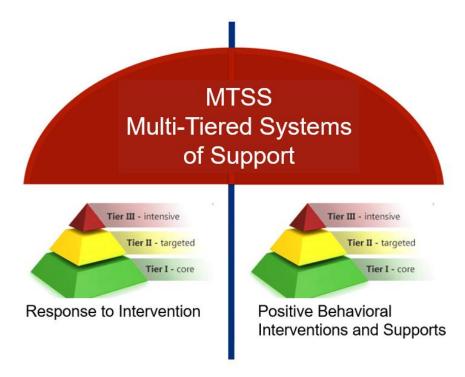

Figure 2: MTSS Umbrella of Supports

What is MTSS? - MTSS is a continuous-improvement framework in which data-based problem solving and decision making is practiced across all levels of the educational system to support students. To ensure efficient use of resources, schools begin with identifying trends and patterns in their student data, beginning with their school-wide data. Students who need interventions beyond the core, or universal, academic and behavior curriculum are provided targeted, supplemental interventions delivered at increasing levels of intensity [Link to MTSS guide].

Under the umbrella of South Dakota MTSS are Response to Intervention (RTI) and Positive Behavior Intervention and Supports (PBIS). RTI provides academic-focused support to schools and students, and PBIS provides behavior-focused support. Both systems of support provide a structure to carry out tiered supports to all students. Students who need interventions beyond what is given universally are provided targeted, supplemental interventions delivered at increasing levels of intensity.

What is RTI? Response to Intervention (RTI) is a tiered support framework that provides evidence-based

instruction and intervention for academic skills. All students receive Tier 1 (Universal) support through evidence-based core classroom instruction. Students who need interventions beyond what is provided universally receive targeted, supplemental interventions delivered at increasing levels of intensity.

Essential Components of MTSS RTI

Team-Based Leadership

A building leadership team oversees school-level implementation. This team reviews systems-level data, scheduling, and curriculum and instruction decisions. A grade-level team oversees student progress, meeting regularly to analyze and adapt student interventions based on progress monitoring data.

Tiered Continuum of Supports

All students receive evidence-based Tier 1 instruction. In addition to Tier 1 supports some students also receive targeted Tier 2 intervention for missing grade-level skills. If students receiving Tier 2 interventions need additional supports, the grade level teams may decide the student needs additional, intensive, Tier 3 intervention for missing, grade-level skills.

Comprehensive Data Collection System

Schools use a comprehensive process for collecting and reviewing data at the school and student levels. This data is used in a continuous improvement process.

Communication and Collaboration

Schools engage families, community partners, and other stakeholders in understanding MTSS RTI and in partnering to improve outcomes for all students (See Section V-C).

V. RTI for SLD Identification Process

A. Referral

For a student who is not responding positively to a Tier 2/3 intervention, a general education *problem-solving team* shall be used, prior to referral, for a special education evaluation. A *problem-solving team* shall document the problem-solving process, which includes a review of student data, implementation of strategies to intensify instruction, and documentation of the student's response to intensified strategies. If the student's *problem-solving team* has determined and documented the student has not responded to the intervention(s) after an appropriate period, the district must request parental consent to evaluate and determine whether the student needs special education and related services.

A student may be referred for a special education evaluation at any time within a problem-solving process (e.g., RTI). **The RTI process should not delay the initial evaluation of a student who is suspected of having a disability.** If a parent submits a verbal or written request for a special education evaluation, the district should respond to that request in a timely manner.
(Source: ARSD 24:05:24.01:19.)

The determination for special education eligibility should be made by a team of qualified professionals which shall include:
1. The child's regular teacher,
2. The child's parents,
3. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of that age,
4. If the child is less than elementary school age, an individual certified by the department to teach a child of that age,
   And
5. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, remedial reading teacher, or special education teacher

(Source: ARSD 24:05:25:08.)

B. Criteria for Determining Eligibility

The Multi-Disciplinary Team (MDT) may determine a child has a specific learning disability after documentation and careful consideration of the following three criteria as defined in ARSD 24:05:24.01:19., ARSD 24:05:25:11., and ARSD 24:05:25:12.

CRITERION 1: ACHIEVING ADEQUATELY

The child does not achieve adequately for their age or does not meet state-approved grade-level standards in one or more of the following areas listed below (if provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards):

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem-solving

(Source: ARSD 24:05:24.01:19.)

The first criterion for identifying a Specific Learning Disability (SLD) requires a determination that the student is failing to meet age or grade-level state standards in one of eight areas. A student needs to meet this criterion in only one of the eight areas listed above, but they may potentially meet criteria in multiple areas. The MDT should identify the area(s) of concern during its review of a student's existing data. The area(s) of low achievement that have not been responsive to instruction/interventions of varying intensities should be what prompted the referral for a student's evaluation for the possible presence of SLD.

Existing data from a variety of sources, to determine the degree of underachievement or difference between a student's current performance and age or grade-level state standards, at a minimum, includes the following:

- **Universal Screening –** Benchmark testing of all students, typically administered three times per year, focusing on foundational skills and aligned with state standards.
- **Formative and Progress-Monitoring Assessments** – Aligned with grade-level state standards, the assessments are used to monitor what students are expected to learn when provided with robust instruction within the general education setting.
- **Norm-Referenced Assessments:** Assessments of academic achievement correlated to state standards.
- **Performance on State Assessments (if applicable):** These are the state's general assessments aligned to state academic content standards for the student's grade.
- **One or more Classroom-Based Observations:** These observations should be completed in the student's usual instructional environment(s) and during instruction of concern. Those conducting the observations should not be providing instruction while also observing the student. (See Criterion 5).

- **Parental Input:** Information from the student's parents explaining the student's history of not meeting age or grade-level state standards, as evidenced by data from prior evaluations, developmental history questionnaires, or other information. This input could also include a family history of SLD, other family members with SLD, and/or a family history of delayed acquisition of reading and/or math skills.

To determine eligibility for special education under Criterion 1, the MDT should consider a variety of data sources related to any of the eight areas of academic functioning. Within a problem-solving process, districts establish decision rules based on their student population, evidence-based assessment tools, and their chosen curriculum.

A variety of data must be considered within the context of these two important elements below.
- **Assessments** – Norm-referenced assessments provide an indicator of a student's average performance in comparison with other students in the same grade across the country. Local norms are based on grade-level state standards, and a state's norms may vary in relation to the overall progress of students nationwide. The South Dakota state test is an example of a criterion-referenced test that measures student performance on South Dakota state grade-level standards.
- **Cultural and Linguistic Sensitivity** – If differences in a student's culture or language are not considered when interpreting assessment data, the result may be an inappropriate disability designation.

Determining Extent of Student Underachievement
Additional data may be needed to verify the extent of the student's underachievement. Such data will likely need to be obtained through more in-depth assessments as explored below.

Assessments and other evaluation materials should always be provided and administered in the child's native language or by another mode of communication. Assessments should also be provided in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:
- Are used only for the purposes of which the assessments or measures are valid and reliable. and
- Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their creator.

(Source: ARSD 24:05:25:04.)

A useful tool to provide a closer look at student achievement may include classroom-based formative assessments that are very closely tied to the curriculum (aligned with grade-level and age-level state standards) or targeted skill areas where instruction or intervention is focused. In many cases norm-

referenced tests may also be used to gather additional data on the student's academic achievement (discussed further below). The goal is to determine the magnitude of difference between the student's current skills and what is expected for his or her age and grade (Deno, 2003).

Regardless of the assessment tools used, confidence intervals should be considered for the measurement error of the tests and to permit the expression of a range of scores, *not a set cut-off score*. Confidence intervals provide a range within which the student's actual performance or skill level is likely to fall, thus providing a discussion focused on the student's range of achievement and opportunity for growth.

Validating Provision of "Appropriate Instruction"
The MDT must also satisfy the requirement expressed in Criterion 1 regarding a determination that the student's lack of academic achievement has occurred within the delivery of "appropriate instruction." This determination is an important element as it serves as a stopgap for identifying students as having an SLD who might be underperforming due to a lack of instruction or due to inadequate instruction.

Evidence of class-wide, grade-wide, or school-wide low achievement in the academic area of concern could lead the MDT to a determination that instruction (e.g., quantity, quality, relevance, alignment with standards, etc.) may have a strong relationship to the student's lack of achievement. Only when the MDT can determine the referred student's academic problems persist while most students in the same demographic (e.g., English Language Learners, race/ethnicity, etc.); class; school; or district are performing satisfactorily can the lack of sufficient, or appropriate, instruction be ruled out. For example, when approximately 80% of all students in the referred student's class or grade, or other subgroup, are meeting the age-level or grade-level state standards, then the referred student's lack of achievement can be recognized as unique and not resulting from lacking instruction.

Professional judgment should always be used to carefully analyze data to determine if the student meets the eligibility criteria for SLD and whether the identified disability adversely impacts the student's developmental or educational performance.

CRITERION 2: SUFFICIENT PROGRESS
Sometimes the child does not make sufficient progress to meet age-level or state-approved grade-level standards in one or more of the areas identified in this section when using a process based on the child's response to scientific, research-based intervention.
(Source: ARSD 24:05:24.01:19.)

While state administrative rules provide two options for determining when the student is not making sufficient progress, this guide focuses exclusively on the use of responding to scientific, research-based intervention when making a determination regarding Criterion 2.

Validating Delivery of Scientific, Research-Based Interventions

First, documentation is needed on the scientific, research-based interventions that were provided to supplement core-curricular instruction during the intervention period. The MDT should document that the interventions are supported by scientific research. A standard intervention protocol should be developed with interventions that:

- Are appropriate for the group of students receiving the intervention and aligned to the student's area of need.
- Have yielded successful responses and outcomes from other students for whom the interventions are appropriate.
- Have been implemented by staff who were adequately trained and have demonstrated proficiency providing the interventions.
  and
- Were delivered with a high degree of fidelity (as intended by the program authors) and for a sufficient length of time and intensity, as evidenced by the progress monitoring data.

Issues that arise during the process of validating the delivery of scientific, research-based interventions, such as fidelity, should be addressed before the MDT proceeds to evaluation and eligibility determination.

"The most common reason for a lack of response to an evidence-based intervention well matched to a student and skill area is the failure to implement the intervention as designed" (VanDerHeyden & Tilly, 2010). Evidence-based practices (EBPs) are instructional techniques with meaningful research support that represent critical tools in bridging the research-to-practice gap and improving student outcomes (e.g., Cook, Smith, & Tankersley, 2012; Slavin, 2002 as cited by Cook & Cook, 2011). To be considered evidence-based, a practice must have multiple demonstrations of effectiveness for the population intended from high quality experimental studies.

Technical Adequacy of Measurement Tools Used for Decision Making

All decisions made using data gathered through the RTI for SLD Identification process must be made with data from measurement tools with adequate reliability and validity. A reliable measurement tool provides consistent results, and a valid tool measures what it is intended to measure. MDTs should carefully examine the technical adequacy of all measurement tools, including tests, observations, and interviews, to ensure they are providing reliable information and to ensure the tools used for decision making are valid for the purpose intended (i.e., screening, progress monitoring, disability diagnosis, measure of non-verbal intelligence, etc.).

Table 1: Documenting High Quality Intervention under Criterion 2

Essential Elements	Required Actions
Universal screening data to determine need for intervention	Students are identified for intervention from one or more sources of screening data utilizing a systematic problem-solving process and established decision rules.
Established baseline and create aim line	Baseline data point(s) established from the initial data collection.
Established goal	- SMART (Specific, Measurable, Attainable, Realistic, Timely). - Numerical, graphable goal that is matched to student need.
Evidence-based intervention	Intervention has sufficient research on its effectiveness. The student participates in an intervention of increased intensity for the time necessary to determine the student's response to intervention.
Implementation with fidelity	Fidelity is monitored during intervention. At least 80% of intervention components are implemented consistently, and staff have been appropriately trained to administer the intervention as intended.
Individual progress monitoring	Progress is monitored daily or weekly depending on the nature of the intervention and the significance of the academic inadequacy. Progress monitoring tools have adequate reliability and validity for regular ongoing progress monitoring.
Decision rules	Written decision rules are established/implemented to provide guidance for MDTs to determine: - Which students will receive intervention. - How to set goals and monitor the rate of improvement. - If the intervention is working. - How to intensify intervention/instruction when needed. Intervention should be carried out with enough data points to make a **sound** decision about the student's responsiveness and whether the intervention should be maintained, intensified,

	and/or faded. MDTs must use data-based decision making to establish the duration and determine the student's response to intervention.
Multiple levels of supports increasing in intensity and frequency as needed	At least 1 phase change (i.e., point in time where intervention was intensified based on review of progress monitoring data) within an intervention, or change to a different intervention program with sufficient time given to be able to demonstrate student response.
Parent participation and input	Parents are notified that student is receiving intervention, the extent of their progress/screening data, and rights for requesting an evaluation

CRITERION 3: OTHER FACTORS

The group determines its findings under this section are not primarily the result of:

1. A visual, hearing, or motor disability.
2. Cognitive disability.
3. Emotional disability.
4. Cultural factors.
5. Environmental or economic disadvantage.
   or
6. Limited English proficiency.

(Source: ARSD 24:05:24.01:19.)

The fundamental question is whether the student's poor performance is primarily the result of any of these factors listed above. It is possible for one or more of these factors to be contributing to a student's lack of achievement and response to intervention, and for the student to have a SLD. Therefore, the MDT must determine the degree to which each factor listed above affects the student's performance. The existence of these possible factors is not the issue; the issue is the degree to which each factor adversely affects the student's performance.

A full evaluation may not be necessary for each factor. In many cases, the data gathered during the problem-solving process may be sufficient to determine that environmental, cultural, or economic factors, and English Learner (EL) status, are not the primary cause of the lack of academic achievement and the lack of response to scientific, research-based intervention. This result can be determined if there is documentation that most students from similar demographics are meeting the same academic expectations.

Considerations specific to each factor are discussed below

This does not mean the MDT must completely rule out each of the factors listed above. It is entirely possible for one or more of these factors to influence a student's lack of achievement, lack of response to instruction/intervention, and for the student to have a SLD.

Visual Disability

Screening for vision disabilities is routine in most public schools. If a vision screening indicates normal vision, a visual disability can be ruled out as the primary cause of the student's academic underachievement unless an evaluation from an appropriately credentialed provider (e.g., optometrist/ ophthalmologist) gives evidence to the contrary. If screening indicates a potential vision disability (i.e., poor visual acuity), then additional evaluation must be conducted to determine the extent of the disability and its effect on the student's achievement.

Hearing Disability

Like the process for a vision disability, hearing screenings are also generally performed in schools. If a hearing screening indicates normal hearing, hearing loss can be ruled out as the primary cause of the student's academic underachievement unless an evaluation from an appropriately credentialed provider (e.g., audiologist) gives evidence to the contrary. If the screening indicates a potential hearing disability, further evaluation is required.

Motor Disability

Unlike vision and hearing screenings, schools don't generally screen for motor difficulties/disabilities. Motor disabilities, also known as orthopedic impairments, can interfere with typical school tasks such as handwriting and walking. Assessments to measure motor skills may be necessary to determine if such difficulties are interfering with a student's academic achievement. As with vision and hearing disabilities, if the disability is addressed and achievement improves, motor disabilities can be considered as the primary cause of a student's underachievement, and the MDT could consider eligibility under the orthopedic impairment category of IDEA. If the underachievement issues persist after the application of prosthetic devices or after intervention, the MDT should consider a SLD as the primary cause of the student's underachievement.

A student with a primary disability in vision, hearing, and/or orthopedic function may be considered to also have a SLD if the identified learning deficits are significantly greater than what can be reasonably expected because of the student's primary disability (e.g., hearing loss) alone. Again, all the identified needs of the student must be addressed whether or not they are typically linked to the student's primary disability.

Cognitive Disability (CD)

This is the one factor that cannot co-exist with an SLD. Students with cognitive disabilities (CDs) exhibit significant deficits in measured intelligence and adaptive behavior. MDTs are encouraged to review

ARSD 24:05:24.01:11. for guidance on qualifying for special education in the category of CD.

Emotional Disability (ED)

Students with an emotional disability (ED) often display inappropriate and disruptive classroom behavior. Other students with an ED may have emotional problems that do not manifest themselves in externalizing behaviors. For students who display behavioral, social, and/or emotional problems, the MDT must determine whether the student's learning difficulties are causing the disruptive behaviors, or whether underlying emotional problems are affecting the student's ability to acquire academic skills. MDTs are encouraged to review ARSD 24:05:24.01:16. for guidance on the category of Emotional Disability.

Cultural Factors

Prior to referring a student for a special education evaluation who is acquiring the English language, MDTs must ensure the student has been provided appropriate opportunities to learn through the delivery of culturally and linguistically responsive instruction. Educators knowledgeable about the stages and behaviors of second language acquisition should be part of the MDT determination.

The impact of cultural factors can be difficult to ascertain. Cultural factors that may affect a student's academic performance include:
- Communication patterns.
- Behavioral expectations.
- Gender-based family roles and prescribed cultural practices.

Information from interviews with parents (and other community members who share the student's cultural and linguistic background) would be particularly helpful in determining the impact of a student's cultural factors. An in-depth family social history would also be helpful if warranted.

A separate, but related, consideration is whether data indicate a student's general education instruction and interventions are culturally appropriate and whether a student functions differently from classroom to classroom, year to year, from intervention setting to general education classroom, or from home to school.

In determining the impact of cultural factors, data might indicate that most students of a particular cultural or ethnic group are reaching acceptable levels of academic achievement in response to general education and intervention. If a particular student is receiving the same instruction as other students in a similar learning environment, but not achieving similarly to their peers from the same cultural background, a determination might be made that their learning difficulties are not due to cultural factors.

Environmental or Economic Disadvantage

The last factor to examine is environmental or economic disadvantage. Situations such as homelessness, poor attendance, child abuse, poor nutrition, socioeconomic status (SES), and other factors may adversely impact a student's ability to learn.

SES is defined as the combined total measure of economic and sociological parts of a person's work experience and of an individual's or family's economic and social position in relation to others based on income, education, and occupation.

When schools provide supports to address these disadvantages, and the student's academic achievement improves, then environmental and economic disadvantages cannot be ruled out as primary contributors to a student's lacking achievement. However, if supports implemented with fidelity fail to produce a student's improvements in learning, particularly if other students with similar environmental or economic situations are performing adequately in response to general education and interventions, then the student should be considered for SLD eligibility.

It is important to not delay an evaluation of a student simply because of the existence of one or more of these environmental/economic factors. However, the team must consider these special factors in their determination of eligibility.

Efforts to determine the relative contribution of visual, hearing, motor, and cognitive disabilities as well as cultural factors, environmental or economic disadvantage, and EL status as contributors in a student's poor academic performance, and a student's lack of response to interventions, should include systematic strategies that have been shown to be effective for students with similar needs and characteristics. For example, if many students presenting with similar factors can make adequate progress with core instruction and systematically applied support, this gives the MDT more confidence that a particular student's struggles are not due to a lack of appropriate instruction.

Should the MDT find that one (or more) of these aforementioned factors is the primary cause of a student's lack of achievement, efforts to address the student's needs through interventions in general education must continue.

English Learner (EL)

To adequately make the determination that an English Learner (EL) status is not the primary cause of a student's academic difficulties, the MDT should include at least one person who is knowledgeable about the development of English, the related achievement skills for the student's age and language/cultural background, and ELs who are identified with a SLD. Research has indicated that students who are ELs take approximately 2–3 years to acquire basic interpersonal communication skills and between 5–7 years to acquire the cognitive academic language proficiency required to function effectively in academic subjects (Brown & Ortiz, 2014; Cummins, 1981; Klingner & Eppolito, 2014; Rhodes, Ochoa, & Ortiz, 2005). However, a student's EL status should not be cause for delay when a disability is suspected.

Schools are required to identify all students with primary home languages other than English. This identification is typically achieved through a parent home language survey. Additional screening and summative assessments are completed in South Dakota to determine each student's proficiency with English language skills. MDTs must have access to, and consider, such assessments in order to determine if limited English proficiency is a major contributing factor. (See Section D: Considerations for English Learners for more information).

Table 2: Summary of Exclusionary Factors

Exclusionary	Source of Evidence Factor
Visual, Hearing, or Motor Disability	Sensory screening, medical records, or observation.
Cognitive Disability	Classroom performance, academic skills, language development, adaptive functioning (if necessary), or IQ (if necessary).
Emotional Disability	Classroom observation, student records, family history, medical information, or emotional/behavioral screenings (if necessary).
Cultural Factors	Level of performance and rate of progress compared to students from the same ethnicity or students with similar backgrounds.
Environmental/ Economic Disadvantages or Factors	- Level of performance and rate of progress compared to other students from similar economic backgrounds and situational factors that are student specific. - Excessive absenteeism - Chronic absenteeism is defined in the South Dakota Every Student Succeeds Act (ESSA) Plan as 10% or more of membership days. - Lack of implementation of evidence-based practices with fidelity. Were interventions used matched to the student's needs? Were interventions implemented with fidelity?
Limited English Proficiency	Measures of language acquisition and proficiency, level of performance, and rate of progress compared to other EL students with similar exposure to the same language and instruction.

CRITERION 4: APPROPRIATE INSTRUCTION

To ensure the underachievement in a student suspected of having a SLD is not due to lack of appropriate instruction in reading or math, the MDT must consider, as part of the evaluation described in this article, the following information.

- Data demonstrating that prior to, or as a part of, the referral process, the student 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 the formal assessment of the student's progress during instruction, which was provided to the student's parents.

(Source: ARSD 24:05:24.01:19.)

This step in the SLD identification process is designed to ensure students are not identified as having a SLD and needing special education when a lack of appropriate instruction is the cause of the student's underachievement. **This step is required for all eligibility methods.**

A second component of Criterion 4 is documenting the school's use of repeated assessments with the referred student and communicating to the student's parents about these assessments. These repeated assessments should include universal screenings, diagnostic assessment (when appropriate), and progress monitoring data that is used for eligibility determination. This documentation should also include what data was reported to the student's parents and at what frequency.

Guiding Questions for Criterion 4
- To what degree was the student included in, and benefited from, core instruction?
- To what degree was the core instruction delivered in accordance with the district-determined curriculum expectations?
- Is the core instruction this student is participating in benefiting at least 80% of other students?
- To what degree was the core instruction differentiated to meet the individual needs of the student?
- Were interventions delivered with fidelity in accordance with the expectations of the intervention program and/or the student's IEP?
- Was the intervention empirically based and delivered by qualified, trained personnel?
- Was core instruction and intervention instruction delivered with adequate frequency and sufficiency?
- On what date were parents notified of their child's screening data?
- On what date were parents provided information about their child's progress monitoring data?
- On what date were parents notified of the right to request evaluation?

CRITERION 5: OBSERVATION

The school district shall ensure the student is observed in the student's learning environment, including the regular classroom setting, to document the student's academic performance and behavior in the areas of difficulty.

The MDT described in this section, in determining whether a student has a SLD, shall:
1. Use information from an observation during routine classroom instruction and from monitoring of the student's performance that was done **before the student was referred** for an evaluation, as **in a response to intervention model**.
   or
2. Have at least one member of the MDT conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent, consistent with this section, is obtained, as in a discrepancy model.

If a child is less than school age, or out of school, a member of the MDT must observe the child in an environment appropriate for a child of that age.
(Source: ARSD 24:05:25:11.)

Observing student behavior in the classroom offers opportunities for MDTs to better understand the educational ecology within which the student's learning is occurring. This behavior might include the student's rate of active engagement, rate of correct responses to instruction, and the student's opportunity to respond and practice skills within the suspected area(s) of difficulty. Observations also provide an opportunity to determine the quality of instruction and the implementation of curriculum and instructional strategies. Such observations could be conducted during general education instruction/interventions conducted through the RTI process.

The Administrative Rule on observation differentiates the timing of the observation in a discrepancy model versus in an RTI model. As part of a district's RTI model, students who are not responding to intervention should be observed before they are referred for a special education evaluation. However, if the observation conducted prior to referral did not provide information specific to the area(s) of academic difficulty (i.e., those areas listed in Criterion 1) for which the student has been referred, the MDT should require an additional observation.

The observation must not be conducted by the person providing instruction to the student. Rather, a qualified separate observer should conduct the observation while the teacher provides instruction or intervention. "Qualified" refers to an individual who has received direct instruction in a particular skill, has received feedback on the performance of that skill by a person who has already mastered the skill, and has had the opportunity to practice that skill to perform it accurately in a consistent manner.

The district must ensure the student is observed in their learning environment (including the regular classroom setting) so the student's academic performance and behavior in the area(s) of difficulty can

be fully documented. While the regulations do not prescribe the type of observation to be conducted, the following methods listed below may be appropriate.

- Behavioral observation procedures (e.g., event recording, time sampling, or interval recording) providing quantifiable results.
- Methods that relate the student's classroom behavior to instructional conditions, and that relate teaching practices to opportunities for engagement.
- Methods addressing referral questions, instructional practices, and instructional fidelity (see sample questions below).

Information gathered during direct observation(s) should assist in the documentation (Criterion 6) to determine the involvement of other factors relative to the student's underachievement and lack of response to intervention (Criterion 3) and to determine whether appropriate instruction was provided (Criterion 4). When student behavior is observed during academic tasks, data on the accuracy, amount, and completion rates of the academic performance should be collected concurrently. Clearly, some students may present with high rates of off-task behavior, yet they answer questions accurately, complete their written work accurately, and do so with sufficient levels of productivity. The collection of student behavior data without the collection of student academic performance data will likely result in false-positive errors (e.g., assuming the student's behavior interfered with academic performance/ accuracy when it did not).

Most important, the observation(s) should provide information that is data driven, empirical, and objective. The observation(s) should, with clarity, produce a detailed description of relevant behaviors informing the MDT of the student's academic engagement and responsiveness to instruction. Simple narratives do not provide adequate or objective information. Observations across instructional settings (e.g., different classes) are especially valuable, as are observations by different team members.

Guiding Questions for Criterion 5
- Was the student's performance and behavior within the area of concern "typical" during the observation compared to how the student performs at other times?
- What learning skills were difficult for the student?
- What strengths of the student were noted during the observation?
- Was the student engaged and cooperative during instruction in comparison to their peers? To what degree was the student actively, versus passively, engaged?
- Did the student have opportunities to participate or respond in the instructional dialogue and activities?
- Did the student's behaviors interfere with learning to such an extent that the behaviors might be the primary reason the student is not making sufficient progress?
- Did the student have the prerequisite skills to perform the tasks being observed?
- Are the data collected during the observations consistent with other formal and informal data about the student in the area(s) of concern?

- What is the relationship between the targeted student's performance and their behavior to other students?
- How is the student's behavior similar or different from their classroom peers?
- For IEP development, what information can be gathered from the observation to address the student's deficits?
- How might the interactions between teacher and student impact the student's learning?

CRITERION 6: DOCUMENTATION

Documentation and determination of eligibility – see Table 3 for details below. (Source: ARSD 24:05:25:12.)
AND
Each MDT member shall certify in writing whether their cumulative report reflects their individual conclusion. If the MDT's cumulative report does not reflect a member's individual conclusion, that individual MDT member must submit their own conclusion in a separate written statement. (Source: ARSD 24:05:25:13.)

Addressing the specific documentation requirements for eligibility determination involves a compilation of the information gathered to address Criteria 1–5.

Ultimately, the MDT must make a determination of the existence of a SLD, and the need for special education, through a careful evaluation of multiple sources of data. Special education eligibility is a high-stakes decision for students. As such, this decision must be made in a comprehensive manner. A student's complete data profile (i.e., progress monitoring data, benchmarking tests, state test data, interviews, diagnostic testing, and information from observations) must all be used for decision making about their eligibility.

Documentation of scientific, research-based interventions, intensity, fidelity, and lack of sufficient achievement and progress, in best practice, would all be included within the MDT report. A Parental Prior Written Notice (PPWN) indicating the student's eligibility determination must also be completed.

Table 3: Sources of Information for Documentation Requirements

Documentation Requirements (ARSD 24:05:25:12.)	Sources of Information
For a child suspected of having a SLD, the documentation of the determination of eligibility shall contain a statement of: 1. Whether the child has a specific learning disability.	While stated as the first requirement, a statement of whether the child has a SLD is one of the final steps in the eligibility determination process.

a)	The basis for making the determination, including an assurance that the determination has been made in accordance with this section.	Assurance that the information and data used in this process are drawn from a variety of sources, documented, and carefully considered.
b)	The relevant behavior, if any, noted during the observation(s) of the child and the relationship of that behavior to the child's academic functioning.	Criterion 5: Observation
c)	The educationally relevant medical findings, if any.	Information on relevant medical findings will most likely be drawn from documented medical data obtained from the student's parent(s). Documentation should indicate that existing medical findings were considered even if the MDT determined the medical information is not relevant to the final determination.
5. **a)**	Whether— The child does not achieve adequately for the child's age or to meet state-approved grade-level standards. and	Criterion 1: Failure to meet age or grade-level state standards in one of eight areas when provided appropriate instruction. This includes specific information on the area(s) in which the student is failing to meet age or grade-level state standards.
5. **b)**	Whether— The child does not make sufficient progress to meet age or state-approved grade level standards. or	Criterion 2: Lack of progress in response to scientific, research-based intervention.
5. **b)**	Continued… The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development.	Does not apply to an RTI-based SLD evaluation process.

6.	The determination of the MDT concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level.	Criterion 3: The MDT determines its findings are not primarily the result of other factors. When applicable, specific documentation should be provided for any relevant factors and should include information on whether these factors were excluded from consideration because of screening or whether more extensive evaluations were conducted. Along with determining whether any of these factors are the primary cause of the lacking achievement and lack of adequate progress, information should also include the extent of these factors' impact(s). This information can be used to inform the development of an IEP for eligible students.
7.	If the student has participated in a process that assesses the student's response to scientific, research-based intervention—	Criterion 2: Lack of progress in response to scientific, research-based intervention. Documentation should include the instructional strategies used as well as documentation of the data collected and the MDT's findings.
a)	The instructional strategies used and the student-centered data collected. and	
b)	The documentation the child's parents were notified about:	Documentation should also include information on how and when parents were notified about the district's RTI process and data collected, strategies the MDT used for increasing the student's rate of learning, and the parent's right to request a special education evaluation.
i.	The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided.	
ii.	Strategies for increasing the student's rate of learning. and	
iii.	The parents' right to request an evaluation.	
8.	If using the discrepancy model, the MDT finds the student has a severe discrepancy of 1.5 standard deviations between	Does not apply to an RTI-based SLD evaluation process.

achievement and intellectual ability in one or more of the eligibility areas, the MDT shall consider regression to the mean in determining the discrepancy. and	
9. If using the response to intervention model for eligibility determination, the MDT shall demonstrate the student's performance is below the mean relative to age or state-approved grade-level standards.	Criterion 1: Failure to meet age or grade-level state standards in one of eight areas when provided appropriate instruction. This includes data collected around the student's response to the interventions and intensifications provided. Criterion 4: Underachievement is not due to the lack of appropriate instruction. This determination includes documentation showing the student received instruction and intervention that were research-based and provided by trained educators.
ARSD 24:05:25:13. MDT members will certify the report in writing. Each MDT member must certify in writing whether the report reflects their individual conclusion. If the report does not reflect an individual member's conclusion, that member must submit a separate statement presenting their own conclusions.	Written signatures from required MDT members. MDT members include the student's parents and a team of qualified professionals, which must include— 1. The student's regular teacher. 2. A general education classroom teacher qualified to teach a student of that age (if the student does not have a regular teacher). 3. If the child is less than school age, an individual certified by the district to teach a child of that age. and 4. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, remedial reading teacher, or special education teacher. (ARSD 24:05:25:08.) Ideally, the MDT members should be those who have been involved in the problem-solving process and are familiar with the student's data.

C. Family Engagement and Notification

The collaboration of families, schools, and communities as active partners in improving learning, classroom, school, district, and state outcomes is important to the RTI process. Families are critical

members of both the intervention team process and the MDT that conducts the special education evaluation.

Encouraging family involvement early in the RTI process helps establish a foundation for a trusting, collaborative, and respectful relationship with the MDT. Families have unique and powerful expertise regarding the children under the school/school district's care. A school district cannot support student needs effectively without engaging families and caregivers as fundamental partners in the design and implementation of RTI.

Table 4: Family Engagement Practices

Family Engagement and School Partnership – Effective Practices	
• High-Impact learning strategies are explained and used to build trusting relationships between staff, students, and parents throughout the entire system. • School decision-making teams embed parent engagement and shared leadership throughout the RTI process. • Communication mechanisms for families and staff emphasize multiple ways to gather feedback, share information, and build capacity for active partnerships.	• Focus is on the student's network of support with considerations of cultural context unique to the student. • Districts promote parent engagement and shared responsibility in the data-based, problem-solving, and decision-making process at the student level. • The district provides guidance for parents/guardians on how to request assistance for their child and request the resources available to them.

To support collaboration and effective decision-making, families must be intentionally involved across teams. All families should receive information related to a district's RTI process and how students are identified to receive interventions.

When a student needs a tiered intervention, families should also be informed of:
- The nature of the student performance (i.e., benchmark and progress-monitoring) data being collected.
- The general education intervention being provided.
  And
- Strategies for increasing a student's rate of learning.

When a student is not responding positively to intervention, and a formal problem-solving meeting is needed to identify appropriate support(s) for the student, families should be invited to attend and participate in such a meeting.

Families have the right to request a special education evaluation for their child at any time. If a family submits a request for a special education evaluation, the district must follow referral procedures when responding to the family's request. The district must conduct a meeting to review current data, determine whether they will evaluate the student, and respond in writing to the family with their decision and data that led to their decision. If the family disagrees with the district's decision, the family can utilize their dispute resolution options.

[ARSD 24:05:25:12.](#) indicates that when a district uses RTI to determine eligibility for an SLD, the documentation of the determination of eligibility shall include the following.

- Documentation showing the child's parents were notified about:
  a) The state's policies on the amount and nature of student performance data that would be collected and the general education services that would be provided.
  b) Strategies for increasing the student's rate of learning.
     And
  c) The parents' right to request an evaluation of their child.

D. Considerations for English Learners (ELs)

Introduction

Regarding ELs, when implementing the data collection requirements for RTI, it is important data be collected and analyzed in several areas that impact the academic achievement, language, and literacy development of ELs, as well as their response to intervention. These areas of data collection and analysis include the student's learning environment, personal and family background, physical and psychological functioning, previous schooling in the U.S. and elsewhere, academic achievement in the U.S. and elsewhere, oral language proficiency and literacy in English and in the student's native language, and cross-cultural factors.

Effective Curriculum and Learning Environment

In examining evidence that ELs have had access to effective curricula, it is important to determine if the curriculum is aligned with all standards adopted by the state of South Dakota, including the World-Class Instructional Design and Assessment (WIDA) English Language Development (ELD) Standards. These standards should be reflected in all programs designed for ELs, including Sheltered Instruction, Pull-Out EL, and Push-In EL. Further, when evaluating effective reading programs for ELs, the MDT should consider the findings of the National Literacy Panel on Language to determine whether students have had appropriate instruction in reading for ELs.

Additionally, when identifying students who have EL needs and exceptionalities, it is essential the learning environment be responsive to ELs both linguistically and culturally. That is, the learning environment needs to take into consideration that ELs are gradually learning a new language while simultaneously learning new content. Therefore, there is a need for curricular information that is linguistically accessible, grade-level appropriate, and culturally relevant.

Students who are in the process of learning English will often display academic gaps that may look like deficiencies, especially if their education has been disrupted during an immigration experience. Similarly, EL students may be particularly at risk for a lack of appropriate instruction if language instruction has not yet been provided to them to help address the student's language development needs. Given the scarcity of research on appropriate interventions, assessment, and response rates for students who are learning English, it can be difficult for MDTs to differentiate an SLD from characteristics of second language acquisition (Zumeta, Zirkel, & Danielson, 2014). For additional information, MDTs may choose to review the *WIDA: Can Do Descriptors* (2016). This descriptor publication can provide important suggested indicators of expected behaviors associated with specific language proficiency levels to differentiate language acquisition from a potential SLC.

RTI Data Collection and Assessments for ELs
South Dakota is a part of WIDA, a consortium of states dedicated to the design and implementation of high standards and educational opportunities for English learners. WIDA provides South Dakota with language proficiency assessments for grades K-12.

In terms of universal screening and benchmarking, mobility may affect a student's comparison group, in that at a given point in time, it may not be possible to compare a student's progress to the current group of their similar peers. When considering universal screening and progress monitoring data, problem-solving teams are cautioned about applying normative data for native English speakers to ELs. If such normative measures are used for an EL student, it is recommended their data be interpreted in conjunction with a variety of other measures that are culturally and linguistically appropriate for RTI decision making and appropriate for referrals for special education evaluations.

In determining whether an EL is achieving adequately for his/her age, or to meet state-approved grade level standards, the considerations and cautions discussed in previous sections of this guide are applicable to the MDT's decision-making process. For example, if an EL's performance is compared to a peer group to determine the EL student's adequate progress, that peer group should consist of the student's actual peers. Also, the standards to which the EL student's performance is compared may need to include both the English Learners Progress (ELP) standards and grade-level content standards adopted by the state of South Dakota. For all assessments, it is important all students be compared to their peers and that the assessment occurs in the student's primary language, to the degree appropriate or possible, and in English.

When examining state assessment data for ELs, such data should include results from student performance on the ACCESS 2.0 for Els (the English language proficiency assessment used in South Dakota). South Dakota's uniform definition of English language proficiency is currently a student identified as an EL until such student obtains a minimum Overall Composite Proficiency Level Score of 5.0 or a student who is proficient on the South Dakota State Assessment in reading and an Overall Composite Level Score of 4.0 or higher. Thus, districts must continue to provide ELs with appropriate

services until they achieve these minimum scores on ACCESS 2.0. Prior to attainment of proficiency, care should be taken to appropriately interpret ELs' scores on any district-wide assessment being used.

Below are questions the MDT might consider when determining the impact of limited English proficiency on a student's academic achievement:

- What is the student's native (home) language and culture?
- Is the student proficient in his or her native (home) language based on a formal assessment of language proficiency in their native language?
- Is the student's academic language level consistent with the language levels necessary to be successful with core curriculum and interventions?
- Has the student failed to develop age-appropriate native language skills despite opportunities to learn?
- Was the student provided sufficient opportunities to learn by implementing necessary differentiations to address their cultural and linguistic features?
- What is the gap between the student's proficiency in English and his or her native language?
- Has the student failed to gain English language skills despite targeted language instruction?
- Is there a difference in the student's performance by subject area, with higher performance in academic areas that are less related to language proficiency?
- Are the student's learning difficulties pervasive in both his or her native language and in English?
- Are the expectations of the student's home culture consistent with school expectations?
- What is the performance level of other EL students with similar levels of proficiency in this school/district and subject area?
- Can any social or psychological factors (e.g., refugee or immigrant status, mental health concerns, racial or ethnic bias, etc.) be identified?
- Did someone with expertise in the student's dominant culture and language, AND someone who is knowledgeable about EL students who is identified with an SLD, participate in the MDT?
- Was someone with expertise in the student's dominant culture and language, AND someone who is knowledgeable about EL students who is identified with an SLD, involved in conducting and interpreting the evaluation data?

VI.   Resources

- Fact Sheet for Families (link when completed)
- Frequently asked Questions and Answers Document (link when completed)
- SD MTSS Manual
- Eligibility Forms
- SD DOE Assessments
- The Role of the School Psychologist in the RTI Process
- Relevant Administrative Rules
  - **ARSD 24:05:24.01:11.**- Cognitive disability defined.
  - **ARSD 24:05:24.01:16.**- Emotional disability defined.
  - **ARSD 24:05:24.01:18.**- Specific learning disability defined.
  - **ARSD 24:05:24.01:19.**- Criteria for specific learning disability.
  - **ARSD 24:05:25:04.**- Evaluation procedures – General.
  - **ARSD 24:05:25:08.**- Additional group members for specific learning disabilities.
  - **ARSD 24:05:25:11.**- Observation for specific learning disabilities.
  - **ARSD 24:05:25:12.**- Documentation of eligibility for specific learning disabilities.
  - **ARSD 24:05:25:13.**- Group members to certify report in writing.
  - **ARSD 24:05:25:13.01.**- Response to intervention model.
- OSEP 2011 Letter to Directors
- Eligibility for Special Education Under a Specific Learning Disability Classification.

Appendix A

Glossary of Terms

Aimline/Goal Line: The aimline is also referred to as the goal line. It is the line on a graph that connects the intersection of the student's initial performance level and date of that initial performance level to the intersection of the student's year-end goal and the date of that year-end goal. It represents the expected rate of student progress over time.

Baseline: Data collected prior to the initiation of an intervention, that is utilized for comparison with data collected during and/or after an intervention or targeted instruction has been implemented.

Benchmark: the "subcomponents" of content standards that identify the expected understandings and skills needed for content standards by grade level and are tracked according to predetermined time intervals.

Data-based decision making: The process of making instructional decisions for student success (both academic and behavioral) through ongoing collection and analysis of data.

Discrepancy Model: a practice of determining a student eligibility for special education and related services under the condition of specific learning disabled in one or more of areas (oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation; and mathematics problem solving) in the there exists a significant discrepancy (i.e. 1.5 standard deviation) between achievement and intellectual ability.

Decision Rules: The systematic procedures by which patterns of data are analyzed. This data analysis assists in making a decision about the effectiveness of an intervention. Decision rules link screening data and/or progress-monitoring data to instructional decision making and include the following criteria:

o   based on grade level standards and benchmarks

o   applied consistently

o   used to identify students meeting or exceeding benchmarks

o   used to identify student "at risk" for not meeting benchmarks at current rate of

o   incorporates multiple sources

o   understandable by teachers and parents

Fidelity: means the intervention has been applied in a manner highly consistent with its design, and was provided to the student at least 80 percent of the recommended number of weeks, sessions and minutes per session.

Formative Assessment: assessments that are administered at intervals between instructional periods to help teachers better understand what a student knows and needs, and to determine progress toward learning and/or social-emotional-behavioral goals; it measures student growth and identifies patterns or trends.

Progress Monitoring: on-going check-ins for students receiving instruction to determine growth. Progress monitoring informs decisions about when to exit a skill and which skills to address next and is meant to take place every 2 to 3 weeks. More frequent monitoring occurs if a student is not making consistent progress.

Individuals with Disabilities Education Act (IDEA): a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children

Multidisciplinary Team (MDT): a team which includes a parent, general education teacher, special education provider, a representative of the school district, and an educational professional who can interpret assessment results and make eligibility determinations for special education and related services.

Multi-Tiered Systems of Support (MTSS): is a continuous-improvement framework in which data-based problem solving and decision making are practiced across all levels of the educational system to support students. To ensure efficient use of resources, schools begin with the identification of trends and patterns in their student data, beginning with their school-wide data. Students who need interventions beyond the core or universal academic and behavior curriculum are provided with targeted, supplemental interventions delivered at increasing levels of intensity.

Positive Behavior Intervention Supports (PBIS): A proactive systems approach to establishing the behavioral supports and social culture as needed for all students in a school to achieve social, emotional, and academic success. As a Response to Intervention model, PBIS applies a three-tiered system of support, and a problem-solving process to enhance the capacity of schools to effectively educate all students.

Problem-solving team (PST): A process typically used by a school-based team, that utilizes assessment data to identify the problem, analyze why the problem is occurring, develop and implement an intervention/instructional plan and evaluate outcomes.

Progress Monitoring: a systematic process by which student performance data is frequently and repeatedly collected and analyzed. The data can be compiled into charts and graphs that make it easy to compare results to specific benchmarks, estimate rates of progress and be electronically archived and easily available for future analysis. At Tier 2 and 3, progress monitoring data is used to make instructional decisions about the effectiveness of instruction to accelerate student learning that increases the learning rate and enables the student to meet specific goals designed to meet at least minimum proficiency levels. The frequency of progress monitoring increases with the intensity of an intervention or additional challenge.

Rate of Improvement/Progress (ROI): refers to the average growth of a student's skills over a period of time and is represented by the slope of that student's graphed scores (i.e., direction and steepness of the line connecting the graphed scores).

Response To Intervention (RTI): a framework used across both general education and special education settings to ensure the learning needs of all students are met (National Center on Response to Intervention, 2010; Fuchs, & Compton, 2012). Also referred to as MTSS RTI.

Screening: Universal screening is conducted at Tier I, usually as a first stage within a screening process, to identify or predict students who may be at risk for poor learning outcomes. Universal screening tests are typically brief; conducted with all students at a grade level; and followed by additional testing or short-term progress monitoring to measure performance on critical indicators.

Specific learning disability (SLD): a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities; cognitive disability; emotional disability; or environmental, cultural, or economic disadvantage (ARSD 24:05:24.01:18).

Tiered Instruction: describes levels of instructional intensity within a collaborative, multi-tiered instructional system.

● **Tier 1** – The delivery of group academic or behavioral instruction within the general education classroom that represents the universal core curriculum (key concepts). When adequately differentiated at this level of instruction, 80-90% of the students will respond and achieve the established benchmarks.

● **Tier 2** – If a student is not making adequate progress in Tier 1, more targeted, research-based instruction and interventions are provided, usually in small groups, in addition to the Tier 1 instruction. Progress is monitored more closely, at least bi-weekly.

● **Tier 3** – If a student is not making adequate progress in Tiers 1 and 2, intensive research-based instruction and interventions are provided. Intensity of instruction can be increased through many dimensions including length, frequency, and duration of implementation, as well as smaller groups or one-on-one instruction. Progress is monitored more closely, often weekly.

Universal screening (See Screening): A process in which data from multiple measures is accurately analyzed to determine whether each student is likely to meet, exceed, or not meet benchmarks and can be constructed for both academic and behavioral purposes.

Acronyms:

ARSD: (Administrative Rules of South Dakota)

CD: (Cognitive Disability)

DOE: (Department of Education)

EBP: (Evidence-Based Practices)

ED: (Emotional Disability)

EL: (English Learner)

ELD: (English Language Development)

ESSA: (Every Student Succeeds Act)

FAPE: (Free & Appropriate Public Education)

IEP: (Individual Education Plan)

IQ: (Intelligence Quotient)

LEA: (Local Education Agency)

LRE: (Least Restrictive Environment)

MDE: (Multidisciplinary Evaluation)

OSEP: (Office of Special Education Programs)

PPWN: (Parental Prior Written Notice)

SD: (South Dakota**)**

SDASP: (South Dakota Association of School Psychologists)

SES: (Socio-Economic Status)

SMART: (Specific, Measurable, Attainable, Realistic, Timely)

WIDA: (World-Class Instructional Design and Assessment)

Appendix B

South Dakota RTI for SLD Identification Checklist

District Plan Review Checklist

Directions: Use the checklist questions below in developing and/or reviewing your district RTI for SLD Identification Plan.

1. **RTI Process:** The RTI process includes clear descriptions of the following:
   a. Multiple tiers of progressively more intense instruction
   b. Evidence-based instruction provided at each tier
   c. Screening of all students at least three times per year
   d. Continuous progress monitoring with well-defined decision rules
   e. Annual review of implementation fidelity

2. **Child Find and Referral:** The Child Find, pre-referral, and referral processes include the following:
   a. Data-based decision rules for the number of data points and/or length of time an intervention is provided before requesting a special education evaluation
   b. Process for responding to parent request for special education evaluation (that allows for a review of data and response to parent regardless of time in intervention).
   c. List of areas defined in the SLD Eligibility Form that can be identified using district RTI for SLD Identification (e.g. Basic Reading Skills, Reading Comprehension)
   d. Psychometrically-sound assessments and/or data sources related to each district-identified area (as listed above).

3. **Evaluation Process:** The evaluation process includes a plan to collect the following data and/or documentation (Numbers in parentheses reference the sections on the [SLD Determination of Eligibility Form](#)).
   a. RTI for SLD Identification plan. (2)
   b. Documentation of qualified personnel that provide instruction and/or intervention. (4)
   c. Documentation of intervention date, skill area, and progress monitoring scores. (6)
   d. Documentation of an observation in routine classroom instruction and monitoring of student performance BEFORE student was referred for an evaluation. (9)
   e. Documentation of the instructional strategies used, details of student intervention (number of weeks and sessions per week, number of minutes per session), data (screening, progress monitoring, rate of progress). (12)

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