

Vision: Every child in every district receives the instruction that they need and deserve...every day.

The “Why” of RTI for SLD Eligibility: It’s the Right Thing to do for All the Right Reasons

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WHY RTI

1. Most perceived barriers are unfounded MYTHS; Procedural reality supports RTI
2. Negligible legal action; mostly deferential to districts, i.e., the courts support it
3. RTI better serves the educational needs of students

How's that Working for You?

- Who is Using RTI? PSW? Discrepancy?
 - A Combination?
- Is the identification process providing accurate information about educational need that leads to effective interventions?

WHY RTI #1

MOST PERCEIVED BARRIERS
ARE UNFOUNDED MYTHS

Myth: RTI is an “Alternative Method”

Reality:

IDEA, OARS, OSEP

All Support

Using RTI for SLD

IDEA Established and Supports the use of RTI for SLD

- **Prong One:** The student must be determined to have one (or more) of the 13 disabilities listed in the IDEA;

AND

- **Prong Two:** The student must, *as a result of that disability, need special education* in order to make progress in school and in order *to receive benefit from the general educational* program.

RTI **IS** the Intent of the New IDEA

- Identify (screen) and **intervene early**
- “The priority should always be to **deliver services**, with **assessment secondary** to this aim”
- Use continuous **progress monitoring** to assess interventions and **enhance outcomes**
- Move from psychometric/cognitive assessment to **direct “assessment of a child’s response to scientifically based instruction”**
 - *“In the absence of this... many children who are placed into special education are essentially instructional casualties and not students with disabilities”*

A New Era: Revitalizing Special Education for Children and their Families (July 1, 2002). The Presidents Commission on Excellence in Education



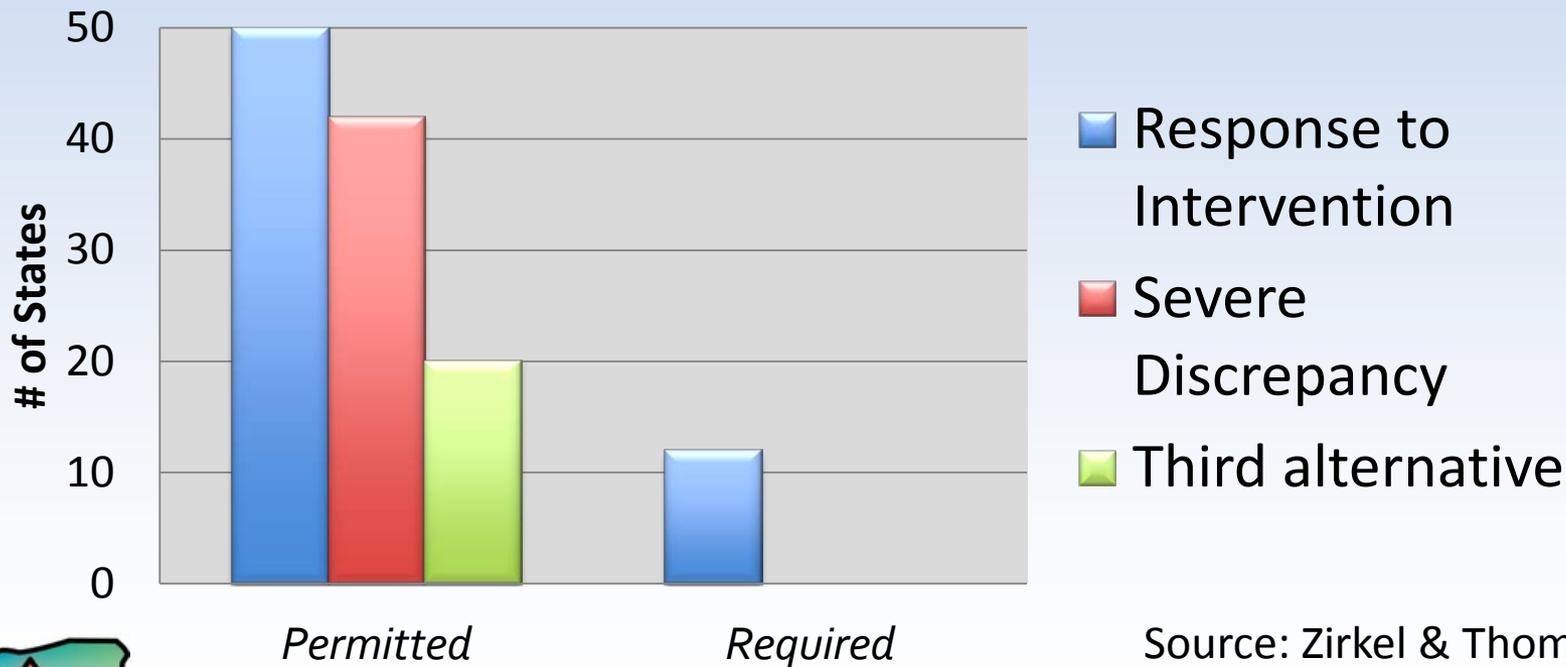
IDEA Established and Supports the use of RTI for SLD

Federal Regulations:

- ***Must not*** require the use of a severe discrepancy between intellectual ability and 34 CFR 300.8(c)(10);
- ***Must permit*** the use of a process based on the child's response to scientific, research-based intervention; and
- ***May permit*** the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in 34 CFR 300.8(c)(10).

IDEA Established and Supports the use of RTI for SLD

Reauthorization of the *Individuals with Disabilities Education Act* (2004) allows (**encourages!**) the use of RTI for SLD eligibility



Source: Zirkel & Thomas 2010



OARS Support Using RTI

OARs allow for two methods of SLD identification:

- RTI
- ...“other alternative research-based procedures” (PSW)

OARS Supports Using RTI:

All SLD evaluations ***must*** include:

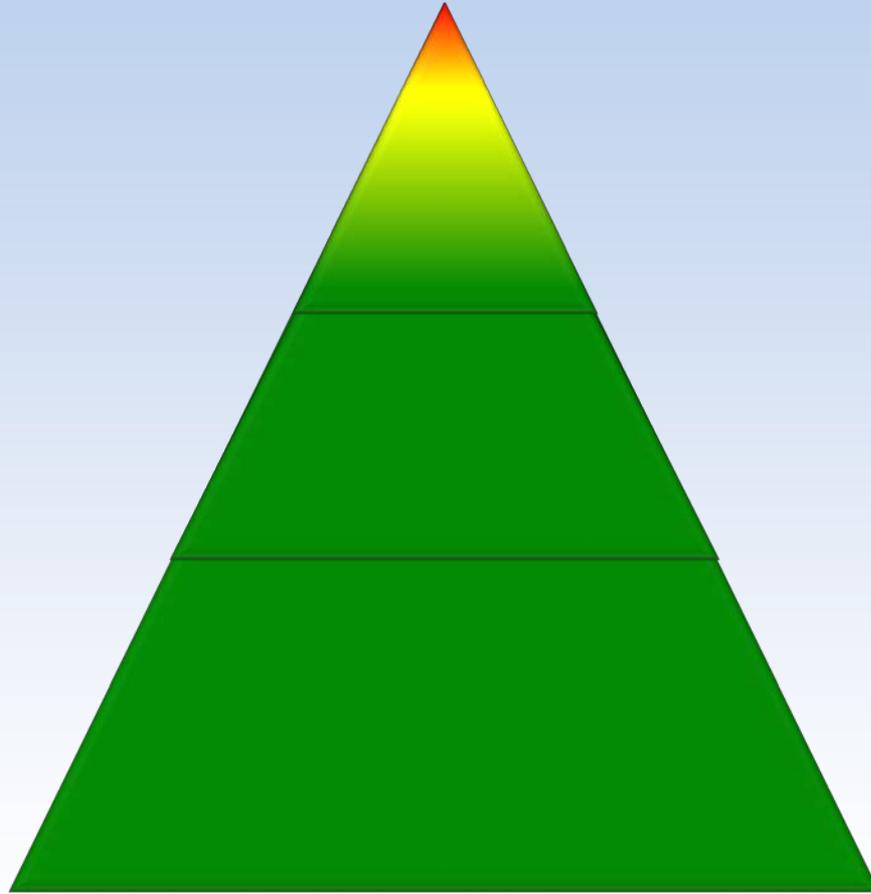
“(A) Data that demonstrate that before, or as part of, the referral process, the child was provided ***appropriate instruction*** in regular education settings”

“(B) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting ***formal assessment of student progress*** that is ***directly linked to instruction.***” (OAR 581-015-2170)

OAR Eligibility Requirement: *A determination of whether the primary basis for the suspected disability is (i) a ***lack of appropriate instruction*** in reading (including the essential components of reading) (OAR 581-015-2170)*



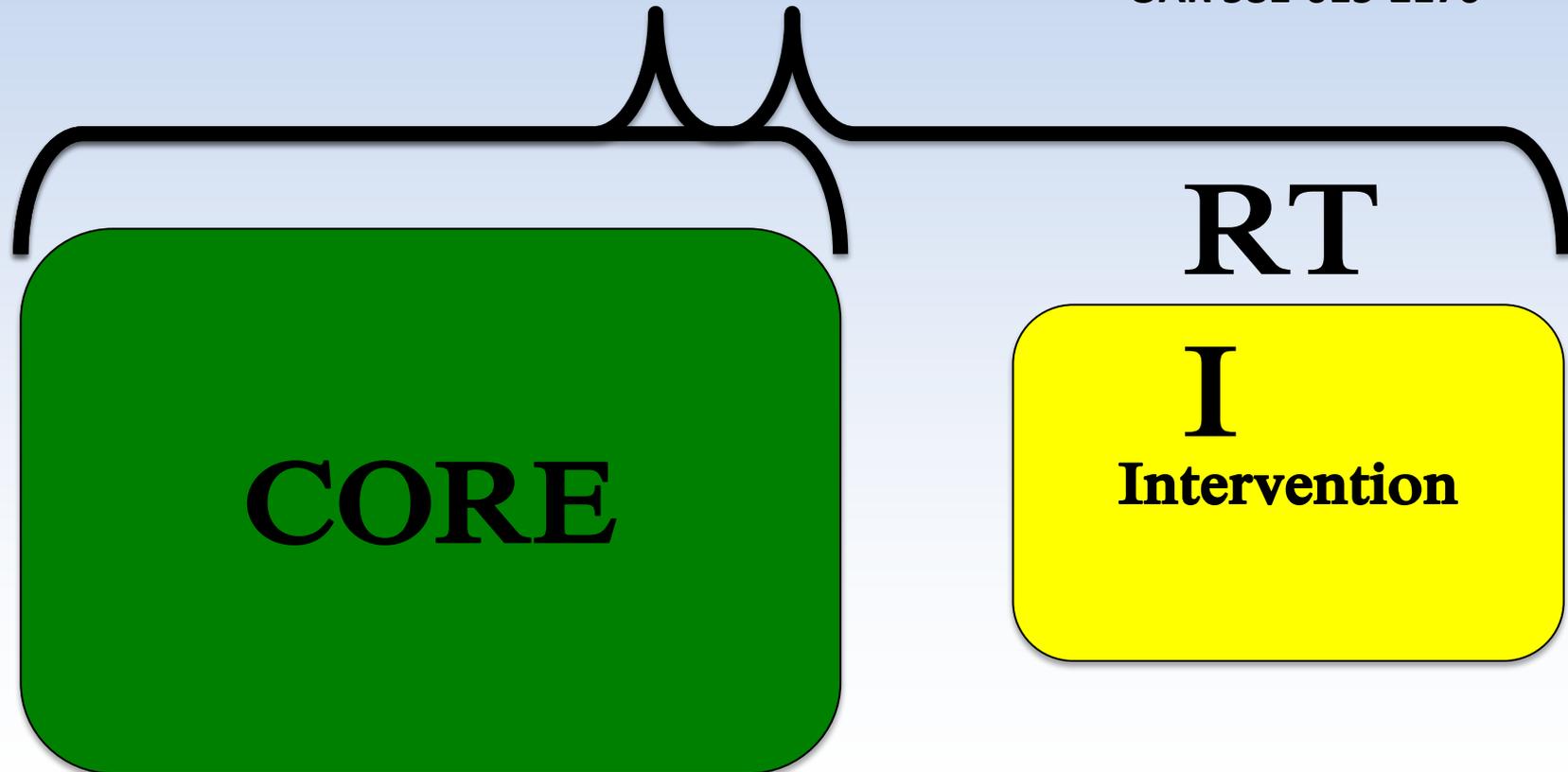
Myth: You can't use RTI unless
your core is at 80%



All SLD evaluations *must* include:

“(A) Data that demonstrate that before, or as part of, the referral process, the child was provided *appropriate instruction* in regular education settings”

OAR 581-015-2170



Talk Time

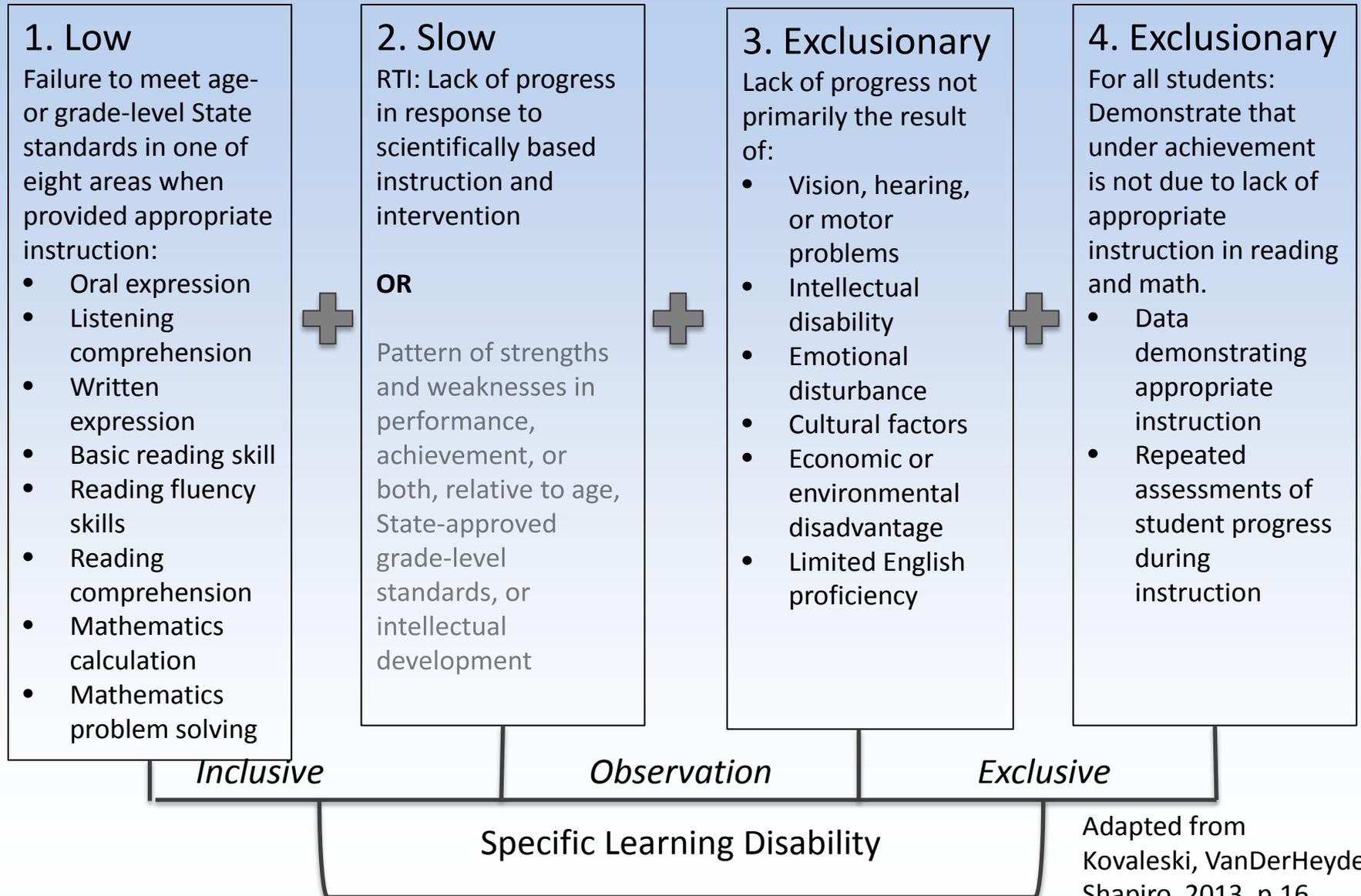
- When evaluating for SLD, how do you currently determine if the child was provided *appropriate instruction* in regular education settings?
 - What data/evidence do you use?
 - How do you report that to parents?

Myth: RTI is not “a full and individual evaluation”, but PSW is

Reality:

- In isolation, neither is a full and comprehensive evaluation
- Both can be a piece of a comprehensive evaluation

Four Primary IDEA Criteria for Evaluating Learning Disabilities



Myth: RTI is not “a full and individual evaluation”, but PSW is

Under 34 CFR 300.304, the public agency must ensure: The child is assessed in all areas **related to the suspected disability**, including, **if appropriate**, health, vision, hearing, social and emotional status, **general intelligence**, academic performance, communicative status, and motor abilities [34 CFR 300.304(c)(4)]

The evaluation is sufficiently comprehensive to **identify all of the child’s special education and related services needs** [34 CFR 300.304(c)(6)]

OARS: Comprehensive SLD Evaluation Regardless of Model

- a) Academic assessment
- b) Review of records
- c) Observation (including regular education setting)
- d) Progress monitoring data
- g) Other:
 - A. *If needed*, developmental history
 - B. *If needed*, an assessment of cognition, etc.
 - C. *If needed*, a medical statement
 - D. Any other assessments to determine impact of disability

Oregon Administrative Rules, **581-015-2170**

www.oregonrti.org

Myth: The Definition of SLD Mandates

Evaluation of Cognitive Processing

Definition:

- ...means a disorder in one or more of the basic psychological *processes* involved in understanding or in using language, spoken or written, that may *manifest itself* in the imperfect ability to **listen, think, speak, read, write, spell, or to do mathematical calculations**.
 - The term **includes** such conditions as perceptual disabilities, brain injury, **minimal brain dysfunction (1968)**, dyslexia, and developmental aphasia.
 - The term **does not include** learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of **environmental, cultural, or economic disadvantage**.

Myth: The Definition of SLD Mandates Evaluation of Cognitive Processing

- Interpretation of the definition is not left to individuals. *Regulations Interpret*
- The Federal Register, IDEA Regulations, and OARs clearly interpret: **Assessment of cognitive processing is not required for SLD**

Myth: The Definition of SLD Mandates Evaluation of Cognitive Processing

“The Department **does not believe** that an assessment of **psychological or cognitive processing should be required** in determining whether a child has an SLD. There is **no current evidence** that such assessments **are necessary or sufficient for identifying SLD**. Further, **in many cases**, these assessments have **not been used to make appropriate intervention decisions**.In many cases, assessments of cognitive processes **simply add to the testing burden and do not contribute to interventions...**”

(Federal Register, vol. 72, no. 156, p.46651)

Myth: “A cognitive evaluation is the only way know if they are **REALLY** SLD”

Traditional, Cognitive Models of Identification Have Been Applied Inconsistently

“For more than 25 years, accumulated evidence has strongly suggested that most students labeled SLD are those students with severe educational needs (i.e., have performance discrepancies compared to students in their own communities), *regardless of the stated eligibility criterion*”

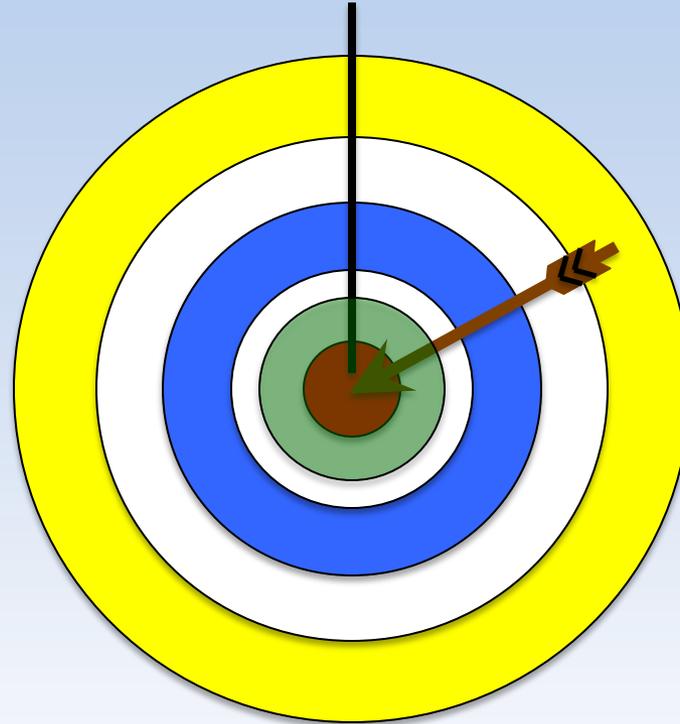
Shinn, M. R. (2007)

Concerns with PSW Models

(Miciak, Fletcher, Stuebing, Vaughn & Tolar, 2014)

- “[PSW models] identified *less than half* of the inadequate responders as LD”.
- Different PSW models did not consistently identify the same students as LD.
- PSW-identified students did not differ significantly in academic skills from those students not identified.

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations...



Differences
between states

Differences between
districts

Differences
between School
Psych's

Differences
between tests

Measurement
error

Myth: “A cognitive evaluation leads to effective interventions”

- Years of research **has not** demonstrated that interventions based on cognitive assessment **lead to effective outcomes**
- “Few cognitively focused programs have been explored by researchers in sufficient numbers and with appropriate experimental control to warrant an endorsement as evidence-based practices”
Kearns & Fuchs, 2013
- “Research Yes, Practice Not Yet”

The Decision to Evaluate Cognitive Processing is Made Case by Case

- COSTS

- TIME
- FTE
- OTHER RESOURCES
- SHIFTS
RESPONSIBILITY
FROM INSTRUCTION
TO LEARNER

- BENEFITS?

- DIFFERENT/MORE
ACCURATE
DECISIONS?
- BETTER
INTERVENTIONS?
- IMPACT ON STUDENT
ACHIEVEMENT?
- BETTER IEPS?

Talk Time

How much time do your school psych's spend...

- Giving tests to kids?
- Scoring tests?
- Interpreting results?
- Writing reports?
- Observing instruction?
- Consulting with teachers?
- Designing academic or behavioral interventions?
- Monitoring fidelity and coaching implementation?
- Supporting teams and analyzing data?

WHY RTI #2

NEGLIGIBLE LEGAL ACTION;
MOSTLY DEFERENTIAL TO
DISTRICTS

Myth: RTI will lead to legal trouble, especially with Child Find

LORE:

The response to intervention (RTI) approach for identifying students with specific learning disabilities will generate a spate of losing litigation concerning child find under the IDEA.

(Betesh, Brown, Thompson, & Zirkel, 2012)

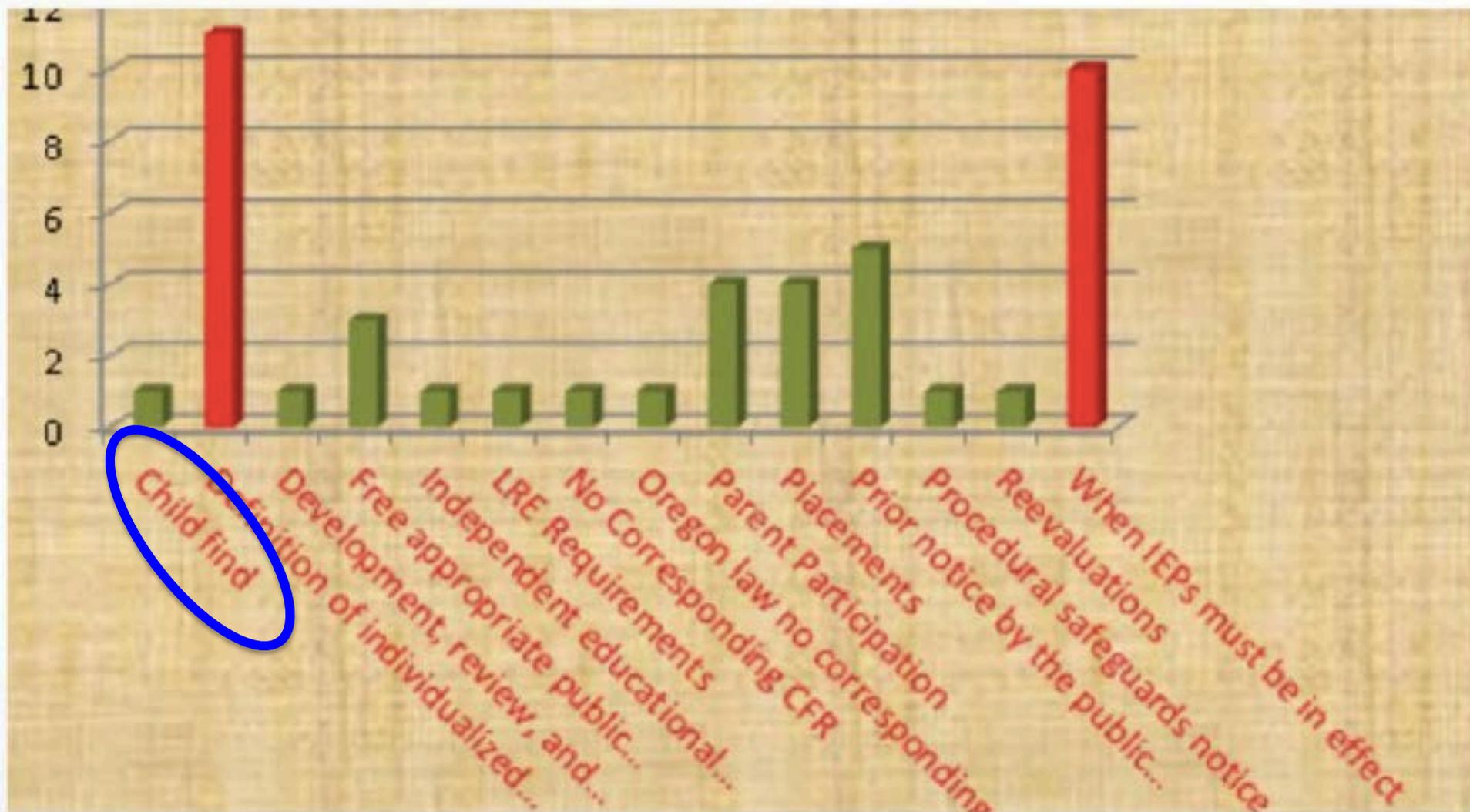
Despite “dire predictions” few child find issues with RTI itself

LAW:

...thus far no published court decision has specifically concerned RTI and child find, and the few pertinent hearing officer decisions have been *deferential to school districts* (e.g., Cobb County School District, 2012; Joshua Independent School District, 2010).

(Betesh, Brown, Thompson, & Zirkel, 2012)

IDEA Complaints in Oregon (2012-2013)



From a presentation by ODE representatives at 2013 COSA SPED conference

WHY RTI #3

AN RTI APPROACH
BETTER SERVES
THE EDUCATIONAL NEEDS
OF ALL STUDENTS

RTI **IS** the Intent of the New IDEA

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RTI for Evaluation: Evidenced Based Process

Strong evidence for:

- Screening measures that reliably identify who needs early intervention
- Interventions that are effective in the general population
- Progress monitoring measures that reliably assess response to instruction *and* increase achievement
- Process that clearly identifies need for specially designed instruction that will support growth going forward

RTI Dual Discrepancy:

When you teach them, do they learn?

Dynamic process that defines SLD as:

- Significant & intractable underachievement...
 - Low skills
 - Slow progress

...despite intensive, research based interventions with proven effectiveness
- Accurately identifies LD and need for SDI

(Case, Speece & Molloy, 2003; Fletcher et al., 2007; Fuchs, 2003; Fuchs & Fuchs, 1998; Gresham, 2002; The Presidents Commission on Excellence in Education, 2002)

Impact on SPED: Research Support

“Use of RTI has resulted in:

- **lower rates of SLD** (Burns, Appleton, & Stehouwer, 2005),
- **improved proportionality** or indicators of equity,
- **earlier delivery of special education services,** and
- **increased student achievement** (Marston, Muyskens, Lau, & Canter, 2003)”

A. M. VanDerheyden & M. K. Burns (2010)

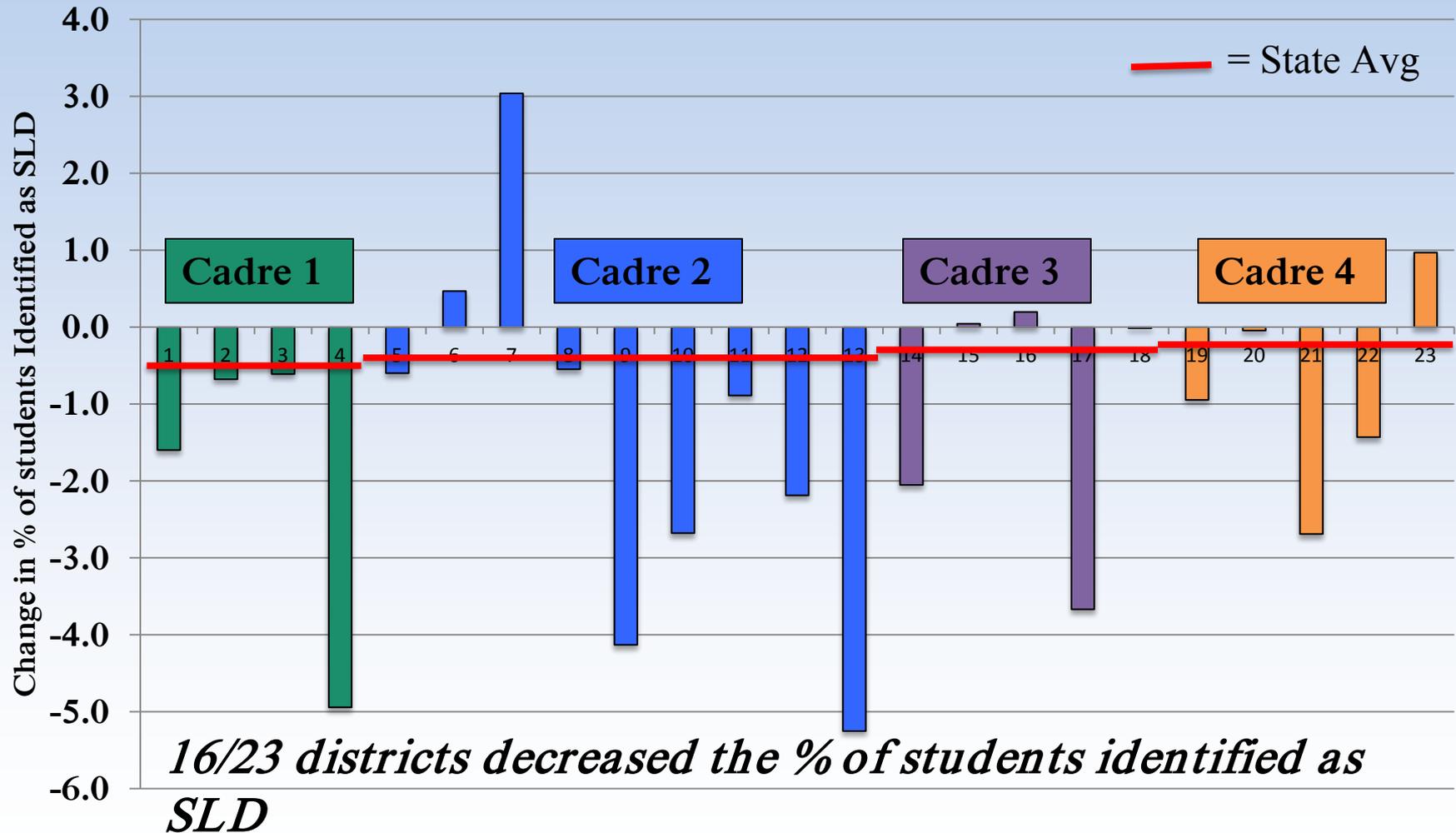
Identification Rates: OrRTI

Avg. % of Students Identified SLD

| | |
|--|------------|
| State Average: 2011 | 3.1 |
| OrRTI Cadres 1-6 Prior to Entering | 4.7 |
| OrRTI Cadres 1-6 in 2011 (at least 1 year after entering) | 3.5 |
| Reduction | 26% |

24 out of 29 districts moved in the direction of the mean

3 year change in SLD Identification Rates (OrRTI School Districts)

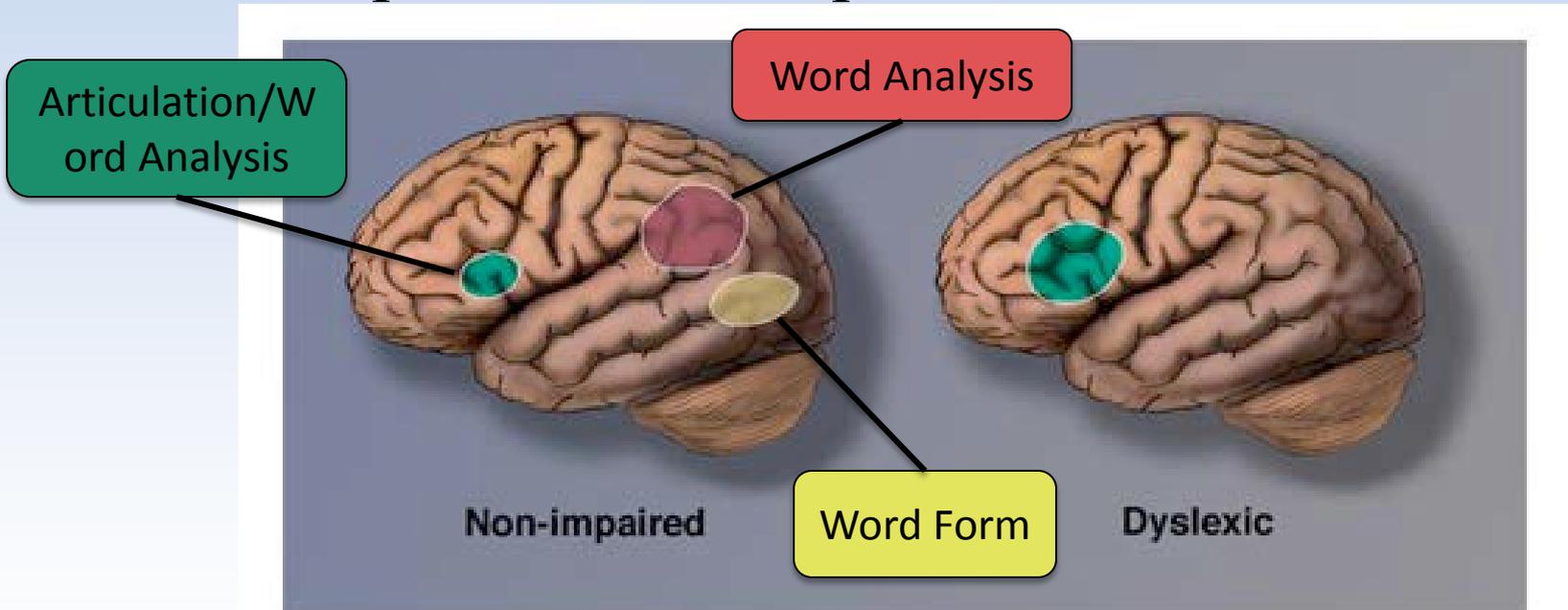


SLD Rates

What about you?

SLD: Static or Dynamic?

- Children who struggle with reading have both *functional* and *structural* differences in their brains as compared to non-impaired students.



© Sally Shaywitz, *Overcoming Dyslexia*, 2003

The Mathew Effect: Reading Makes You SMarter

The good news...

“...an intensive evidence-based (phonologic) reading intervention brings about *significant* and *durable* changes in brain organization, so that brain activation patterns resemble those of typical readers” (Shaywitz et al, 2004)

The bad news...

We sometimes rush to evaluation and eligibility instead of providing the intensive EBP needed

“Instructional Casualties”

Effect of SPED Placement

- Average effect size of traditional special education placement practices = **+0.12** (Kavale, 2007)
- What does this mean?
 - SPED *Identification and placement* typically provides little educational benefit to students.
 - *Its what we DO* in special education that can make a difference.

If we know that:

- RTI done well can benefit all students, *and*
- Intensive, targeted interventions can significantly change a student's academic and neurological functioning, *and*
- IDEA, the OARS, and the courts support the use of RTI, *and*
- Merely placing students in SPED may not improve their chances for success, *then*
- *Don't we have an ethical obligation to implement fully and aggressively?*

RTI Done *Right*, Not RTI *Lite*

1. Places onus firmly on instruction and increase achievement for all students
2. Minimizes “Instructional Casualties”
3. Focuses on “Instructional Need”
4. Provides information for meaningful, data-based IEPs
5. Creates a broader, deeper, and articulated continuum of services for SLD students

Are Your Barriers Based on Myths?

- Myth: RTI is an experimental alternative to the primary means of SLD identification
- Myth: RTI is not “a full and comprehensive evaluation”, but PSW is
- Myth: The Definition of SLD Mandates Evaluation of Cognitive Processing

Questions?

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