

Clinical Guidance on Implementation

For the Identification of Students
Suspected of Having a

Specific Learning Disability



Developed by the
Maine Association of School Psychology

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Guidance on Implementation of Maine Criteria for the Identification of
Students Suspected of Having a Specific Learning Disability

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CLINCIAL GUIDANCE ON IMPLEMENTATION MAINE CHAPTER 101 SPECIFIC LEARNING DISABILITY

Specific Learning Disability Definition:

The term 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 an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Part A: Characteristics

	YES	NO	N/A
<p>1. Is there a disorder in one or more of the basic psychological processes, as demonstrated by either:</p> <p>a. a score 1.5 Standard Deviations below the mean in at least one area of psychological processing; ME Regs VII(2)(L)(2)(ii) or</p> <p>b. a score 1 Standard Deviation below the mean in 2 or more areas. ME Regs VII(2)(L)(2)(ii)</p>			
<p>Verify scores (Such as Attention, Working Memory, Long Term Memory, Short-Term Memory, Auditory Processing, Visual Spatial Reasoning, Phonological Processing, Retrieval, Processing Speed):</p>			

Guidance on Implementation:

The purpose here is to determine whether or not a student exhibits a disorder in one or more basic psychological process as required in the federal definition. The specific requirements included here were added by the State of Maine to provide a consistent set of criteria for identifying the processing disorder (See MUSER VII(2)(L)(2)(ii))

To determine if a standard score for a specific psychological process meets these criteria the following procedure is recommended:

- 1. Assess each of the specific cognitive processes that research has identified to be correlated with the specific academic skill deficit(s). (Appendix I provides examples of psychological processing models. Appendix II provides examples of processes that research has correlated with specific academic skills.)*
- 2. Evaluators are reminded of the requirement in MUSER V 2 B(2) and similar requirements in federal regulations that assessments must not be limited to a single measure or instrument. In order to adequately measure all cognitive processes, multiple measures must be used.*

3. *If the assessment tools utilized by the evaluator include an index score comprised from multiple subtests for the process in question, the index score should be utilized in calculating the severity of the disorder.*
4. *If the assessment tools do not include an index score comprised from multiple subtests for the process in question, then the evaluator should use a cross battery style approach in which multiple subtests from multiple instruments that measure the same process are administered. The scores should be averaged to obtain a single standard score (Appendix III describes the procedure for deriving a single standard score from multiple subtest scores.)*
5. *To qualify as a processing disorder, either a single index score at least 1.5 Standard Deviations below the mean (1 a.) or two or more index scores 1 Standard Deviation below the mean (1 b.) must be identified. The Mean here refers to the Mean set by the evaluation instrument(s), NOT the mean for the individual child. (Appendix IV shows standard deviation scores for 1 and 1.5 SD < Mean.)*
6. *Chapter 101 includes an exemption of the requirement for identifying a processing disorder using standardized measures for students who come from a culturally or linguistically diverse background, have physical disabilities or other contributing factors that result in no normed instruments being available. When a student is referred for determination of eligibility, the team should check Infinite Campus to see if the student is identified as an English Language Learner. The student's cumulative file will contain the WITA score on which this determination is based. If the student is identified as ELL, be sure to invite an ESL educator to the meeting at which determinations will be made as to the assessments to be conducted. If you have determined that no standardized assessments are available that are normed for the student's presenting characteristics, the I.E.P. will check NA on the LD Document to answer question #1. In the verification section, include an explanation of why those assessments are not valid for the student. Determinations of a processing disorder will be replaced with a multi-tiered problem solving approach such as analysis of work samples and other performance data to determine the likelihood of a learning disability. (Appendix VI references problem-solving procedures such as those provided through RTI programs and assessment considerations.)*

2. For students in grades 4-12, has the student obtained a composite standardized score no lower than 1.5 Standard Deviations below the mean on at least one index or scale of cognitive functioning. ME Regs VII(2)(L)(2)(iii)	YES	NO	N/A
Verify Scores:			

Guidance on Implementation:

This criteria was developed by the State of Maine as a measure of general cognitive ability to ensure that the student's lack of academic achievement is due to a specific learning disability, not to overall low intelligence (MUSER VII(2)(L)(2)(iii).)

1. *A full scale IQ is not required; rather, a composite score that is a broad measure from a test of general intelligence is sufficient.*
2. *The composite score must be comprised from at least 3 subtests. For example: A WISC-V Nonverbal Comprehension score is appropriate because it comes from a measure of general intelligence, measures general ability and is calculated from 6 subtests. Neither the WISC-V nor the WJ-IV Verbal Comprehension / Comprehension Knowledge indices are appropriate measures, as both are comprised of only 2 subtests. The WJ-IV Brief Intellectual Ability (BIA) is appropriate as it is comprised of 3 subtests, is a measure of general ability and comes from a measure of general intelligence. The WISC-V Processing Speed score is not appropriate because it measures a specific ability and is comprised of only 2 subtests. (Appendix V lists examples of index scores from many common tests that meet and don't meet the criteria.)*
3. *Chapter 101 includes an exemption of the requirement for identifying a processing disorder using standardized measures for students who come from culturally and linguistically diverse backgrounds, have physical disabilities or other contributing factors that result in no normed instruments being available. For students who are outside the cohort on which the standardized assessments are normed, the I.E.P. will check NA on the LD Document to answer question #2. In the verification section, include an explanation of why those assessments are not valid for the student. Utilize a multi-tiered problem solving approach such as analysis of work samples and other performance data to determine the likelihood of a learning disability. (Appendix VI references RTI programs and assessment considerations for these students)*

For student in grades K-3:

If question 1 has been answered yes, proceed. If question 1 has been answered "no," the student does not qualify for special education as a student with a learning disability. Proceed to "Conclusions."

For students in grades 4-12:

If questions 1 and 2 have been answered "yes," proceed. If either question 1 or 2 has been answered "no," the student does not qualify for special education as a student with a learning disability. Proceed to "Conclusions."

<p>3. Is the student achieving adequately for the student's age or meeting State-approved grade level standards in all of the areas below, when provided with learning experiences and instruction appropriate for the student's age or State approved grade level standards? ME Regs VII(2)(L)(2)(c)(i)(I)</p>	<p>YES</p>	<p>NO</p>		
<p>If not, identify the area(s):</p>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <p><input type="checkbox"/> oral expression</p> <p><input type="checkbox"/> listening comprehension</p> <p><input type="checkbox"/> written expression</p> <p><input type="checkbox"/> basic reading skill</p> </td> <td style="width: 50%; border: none;"> <p><input type="checkbox"/> reading fluency skills</p> <p><input type="checkbox"/> reading comprehension</p> <p><input type="checkbox"/> mathematics calculation</p> <p><input type="checkbox"/> mathematics problem solving</p> </td> </tr> </table>			<p><input type="checkbox"/> oral expression</p> <p><input type="checkbox"/> listening comprehension</p> <p><input type="checkbox"/> written expression</p> <p><input type="checkbox"/> basic reading skill</p>	<p><input type="checkbox"/> reading fluency skills</p> <p><input type="checkbox"/> reading comprehension</p> <p><input type="checkbox"/> mathematics calculation</p> <p><input type="checkbox"/> mathematics problem solving</p>
<p><input type="checkbox"/> oral expression</p> <p><input type="checkbox"/> listening comprehension</p> <p><input type="checkbox"/> written expression</p> <p><input type="checkbox"/> basic reading skill</p>	<p><input type="checkbox"/> reading fluency skills</p> <p><input type="checkbox"/> reading comprehension</p> <p><input type="checkbox"/> mathematics calculation</p> <p><input type="checkbox"/> mathematics problem solving</p>			
<p>Verify:</p>				

Guidance on Implementation:

The school must provide information that documents the provision of learning experiences and instruction appropriate for the student's age or State-approved grade level standards. In Section III. General Education Intervention of Chapter 101 (pg. 13) specifies, "appropriate instruction in reading including the essential components of reading instruction as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. 638(3), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports."

Documentation of assessment of the student's achievement must be provided in any of the areas of suspected learning disability (as identified in the referral documentation). Both of the following means for measuring achievement are to be considered:

- 1. Achievement relative to the student's age:
Age level achievement is typically measured through standardized achievement tests that provide age based norms. (Appendix VI includes examples of the types of tests that can be used to obtain age based norms in each of the 8 areas of achievement.) No specific cut-off for determining "adequate" achievement is provided in the regulations. Most standardized tests use standard deviations as a statistical means for identifying whether or not a score is within the norm. In this system, if a score is within 1 standard deviation of the age level mean, it is viewed as within the norm. A score greater than 1 standard deviation below the mean is considered outside the norm. (See Appendix IV for calculating standard deviations for a variety of measures.)*
- 2. Achievement relative to State-Approved Grade Level Standards:
Each district should have developed means for measuring student progress relative to state approved grade level standards as part of the NCLB and MLR requirements. These district-wide assessments need to include standards for grade level expectations and cut-off scores for meeting vs. not meeting grade level standards. In order to align these district-wide assessment results with SLD criteria, it will be necessary to identify which of the district assessments measure student progress in each of the 8 areas of achievement listed in the SLD document. The information provided in Appendix VIII may be helpful in assisting districts in aligning their assessments with the 8 areas of possible SLD.*
- 3. Teams should consider the convergence of evidence from multiple sources in order to validate the student's lack of adequate achievement.*

If question 3 has been answered "no," proceed. If question 3 has been answered "yes" the student does not qualify for special education as a student with a learning disability. Proceed to "Conclusions."

4. a. Has the student failed to make sufficient progress to meet age or State-approved grade level standards in one or more of the areas identified in Question 3 when using a process based on the student’s response to scientific, research based intervention (RTI);	YES	NO	N/A
<i>Verification:</i>			

Guidance on Implementation:

All districts should have adequate procedures and data to determine if the student is making sufficient academic progress in the 8 areas of concern identified in Question #3 above.

- 1. The response to scientific research based intervention must meet the criteria and procedures detailed in MUSER Section III: General Education Intervention (Appendix IX includes excerpts from section III relative to the procedures for measuring progress through RTI.)*
- 2. Sufficient progress is defined as progress that is closing the gap between the student’s level of academic performance and age or State-approved grade level standards. (Appendix X provides examples for making determinations of ‘sufficient progress’)*

<u>or</u> b. does the student exhibit a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State approved grade level standards, or intellectual development, that is determined by the IEP team to be relevant to the identification of a specific learning disability, using appropriate assessments? ME Regs VII(2)(L)(2)(c)(i)(II)	YES	NO	N/A
<i>Verification:</i>			

Guidance on Implementation:

The IEP Team may choose to consider either educational performance, or academic achievement, or both and then to relate this information either to age, or State approved grade level standards or intellectual development. The State of Maine regulations also require that there is a scientific research based correlation between the identified processing disorder and the identified academic deficit.

- 1. For clarity, the following definitions are offered:*

Academic Achievement: typically measured through standardized achievement tests that provide age-based norms as referenced in question 3 of the LD document.

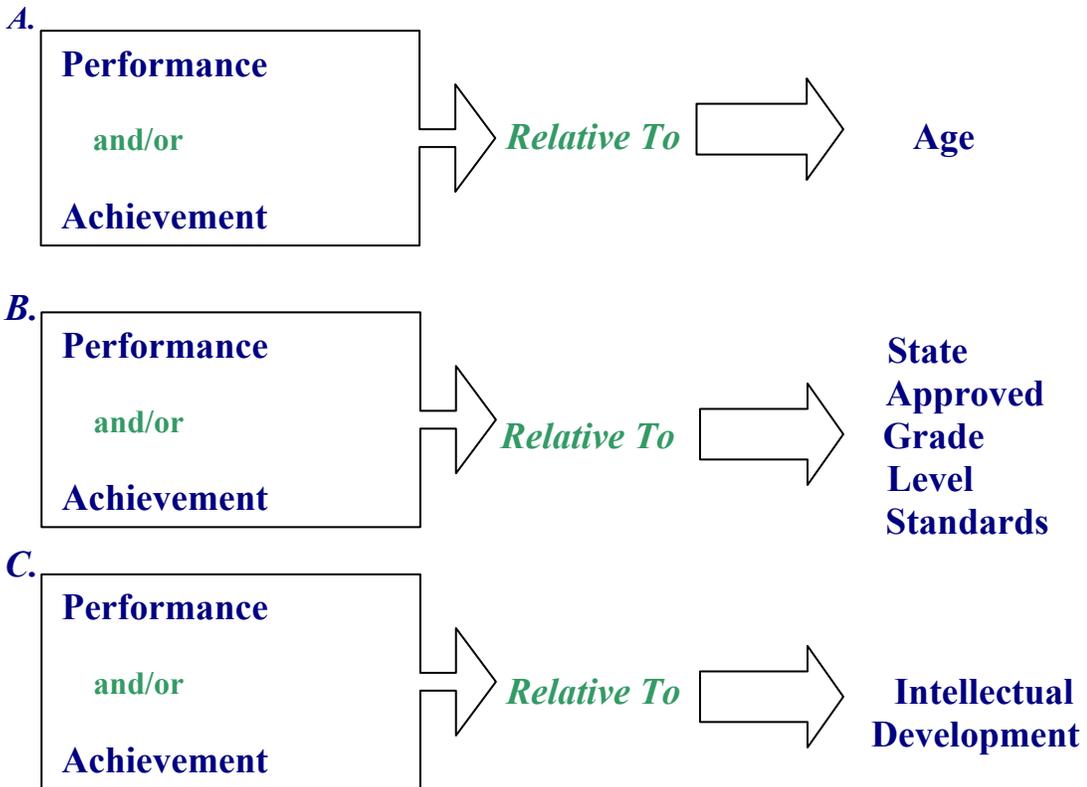
Educational Performance: performance in academic areas (for example, written literacy skills, math, communication. (MUSER II (3)) as measured through local assessment instruments, rubrics, grade-level standards, etc. as referenced in question 3 of the LD document.

Age: the student's chronological age.

State-Approved Grade Level Standards: as referenced in question 3 of the LD document above, each district should have developed means for measuring student progress relative to state approved grade level standards as part of the NCLB and Maine Learning Results requirement.

Intellectual Development: as determined through standardized assessment and referenced in question 2 of the LD document.

2. The following chart presents the different comparisons districts may use in identifying patterns of strengths and weaknesses (details provided in Appendix XI):



If questions 4a or 4b have been answered “yes,” proceed. Otherwise, the student does not qualify for special education as a student with a learning disability. Proceed to “Conclusions.”

5. Is the underachievement due to the lack of appropriate instruction in reading or math?	YES	NO
<p><i>In making this determination, the Team must consider:</i></p> <p><i>a) Data that demonstrates that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; <u>and</u></i></p> <p><i>b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. ME Regs VII(2)(L)(2)(c)(ii)</i></p>		

If question 5 has been answered “no,” proceed. If question 5 has been answered “yes,” the student does not qualify for special education as a student with a learning disability. Proceed to “Conclusions.”

6. Relevant behavior noted during the observation(s) and its relationship to academic functioning:
<p><i>The child must be observed in learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.</i></p> <p><i>ME Regs VII(2)(L)(2)(d)</i></p>

7. Educationally relevant medical findings:	YES	NO
If yes, specify:		

8. Is the student's lack of achievement primarily the result of:		
a. Visual, Hearing or Motor Disability	YES	NO
Verification:		
b. Intellectual Disability	YES	NO
Verification:		
c. Emotional Disturbance	YES	NO
Verification:		
d. Environmental, Cultural or Economic Disadvantage and/or Limited English proficiency?	YES	NO

Verification:

If questions 8 a-d have been answered “no,” proceed. If any category in question 8 has been answered “yes,” the student does not qualify for special education as a student with a learning disability. Proceed to “Conclusions.”

9. Are evaluations utilized valid and reliable assessments and performed by qualified individuals?	YES	NO
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Part B: Conclusions

1. Does a learning disability exist?	YES	NO
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Summarize basis for decision:

If the answer to question 1 is “yes,” proceed to question 2. If the answer is “no,” Team members should certify their agreement or disagreement with this determination by signing below.

2. If there is a learning disability, does the child require special education or related services because of that disability?	YES	NO
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Verification:

If the answer to question 2 is “yes,” the student qualifies as a child with a disability under Maine Special Education Regulations. Team members should certify their agreement or disagreement by signing below.

I certify that this report reflects my conclusions:

NAME:	TITLE:

I certify that this report does not reflect my conclusion.

NAME:	TITLE:

Dissenting members shall submit a separate statement.

As parents of a student with a disability you have protections under the procedural safeguards, which are enclosed, of the Maine Special Education Regulations. Sources for parents to contact to obtain assistance in understanding the provisions of these regulations call: _____, Email: _____; or contact Maine Department of Education, Division of Special Services, State House Station #23, Augusta, ME 04333-0023, (207)624-6650, Fax: (207)624-6651, Email: <http://www.state.me.us/education/specserv.htm>

Appendix I

Models of Psychological Processing

School Neuropsychology Conceptual Model

Cattell-Horn-Carroll Theoretical Model

Appendix I

Models of Psychological Processes

Just as there are a number of different models for organizing and naming different parts of the brain, so there are a number of different models for organizing and identifying the many different psychological processes that can be evaluated through psychological testing. Two of the most prominent and complete models used in recent years are the School Neuropsychology Model and the CHC Model. It is important for the practitioner to learn and incorporate a theoretical model of assessment into their practice and this model will drive and provide interpretation for the process of evaluation. The two models presented here are based in brain research and have been thoroughly studied. Each comes with rigorous and robust information to support the practice in daily work. The research backing is presented here for the reader's information only and is not intended to be adequate training for practice. **It is important to remember that each of these models is an individual and theoretical model that drives the process of evaluation.**

INTEGRATED SNP/CHC Conceptual Model

I. Facilitators/Inhibitors:

- Allocating & Maintaining Attention
- Working Memory
- Speed & Efficiency of Cognitive Processing

II. Cognitive Processes

- Visuospatial
- Auditory/Phonological
- Learning and Memory
- Executive

III. Acquired Knowledge

- Acculturation Knowledge
- Language Abilities
- Reading Achievement
- Written Language Achievement
- Mathematics Achievement

IV. Basic Sensorimotor Capabilities

- Sensory Functions
- Fine Motor Functions
- Visual-Motor Integration Skills
- Visual Scanning
- Gross Motor Functions

In 2013, Daniel Miller, PhD combined concepts from CHC theory with School Neuropsychology theory and offered the Integrated SNP/CHC Model (Miller 2013). Outlined above, this model provides an example of the types of processes that may be assessed in making a determination of whether or not the student has a disorder in one or more of the basic psychological processes. This is by no means a complete list, as not all models or all processes are listed. Rather, the lists are presented as examples only. The broad areas of processing listed above also encompass narrower abilities that are described in more detail in Dr. Miller's book and on the School Neuropsychology website (schoolneuropsych.com). For example; Language Abilities encompasses both receptive and expressive language. Many students may exhibit a disorder in one of the narrow abilities, but not in the broad ability.

Most of the areas of processing listed in the Integrated SNP/CHC model could be considered as possible processing disorders for the purpose of SLD identification. The exceptions would be some of the areas listed under the heading of "Acquired Knowledge" as these are measures of achievement, not psychological processes. Within this heading, only the "Language Abilities" would be considered psychological processes for the purpose of SLD identification.

The reader is referred to Dr. Miller's 2013 book on the *Essentials of School Neuropsychological Assessment-Second Edition* (Hoboken, N.J: John Wiley & Sons) for more detail on using the integrated SNP/CHC model for assessing psychological processes for the purpose of SLD identification.

Cattell-Horn-Carroll Theoretical Model

FLUID INTELLIGENCE (*Gf*)

- Induction
- Sequential Reasoning

CRYSTALLIZED INTELLIGENCE (*Gc*)

- Language Development
- Lexical Knowledge
- Listening Ability
- General Information

VISUAL PROCESSING (*Gv*)

- Spatial Relations
- Flexibility of Closure
- Orthographic Processing

SHORT TERM WORKING MEMORY (*Gwm*)

Memory Span
Working Memory

LONG TERM RETRIEVAL (*Glr*)

Associative Memory
Naming Facility

AUDITORY PROCESSING (*Ga*)

Phonetic Coding (Analysis)
Phonetic Coding (Synthesis)

PROCESSING SPEED (*Gs*)

Perceptual Speed

This model is based on the work of Dawn Flanagan and colleagues and is based on Cattell-Horn-Carroll theory of intelligence. Similar to the SNP-CHC Integrated model, areas of psychological processing are defined as consisting of Narrow areas of cognitive ability subsumed into BROAD areas of processing and these broad areas of cognitive processing have been empirically linked to specific areas of academic development.

Outlined above, this model provides an example of the types of processes that may be assessed in making a determination of whether or not the student has a disorder in one or more of the basic psychological processes. This is by no means a complete list, as not all models or all processes are listed. Rather, the lists are presented as examples only.

For more information, the reader is referred to *Essentials of Cross-Battery Assessment-Second Edition* (Hoboken, N.J: John Wiley & Sons) for more detail on using CHC theory and the Cross Battery model for assessing psychological processes for the purpose of SLD identification.

Appendix II

Models of Psychological Processes Correlated with Specific Academic Skills

School Neuropsychology Conceptual Model

CHC - Cross Battery Model

General explanation: As noted in Appendix I, there are a number of different models for organizing and identifying the many different psychological processes that can be evaluated through psychological testing. Test developers have utilized these varying models in formulating specific tests and in identifying which processes each test measures. Researchers, in turn, have used these different tests in identifying psychological processes correlated with specific academic skills.

Another factor influencing the task of identifying which psychological processes are correlated with given academic skills is the fact that multiple processes are orchestrated in performing an academic task. Individual students may use one process to a greater degree than another, based on their individual pattern of cognitive strengths and weaknesses. For instance, there are multiple decoding strategies that readers may use. One student may rely heavily on phonological processing skills. However, a student with poorly developed phonological processing skills may rely more heavily on alternate strategies such as language based reasoning and language structure. Thus, not all students use the same psychological processes to the same degree as other students.

These multiple factors have prevented researchers from developing a single, universally accepted list of specific psychological processes correlated with each academic skill for all students. That being said, there is a high level of consensus in the research of general processing areas that contribute to the mastery of specific academic skills. The manner in which these processes are organized, labeled and the degree to which they contribute to a specific skill varies across the professional literature.

Two charts are provided with examples of processes that research has correlated with specific academic skills. The first chart displays the school neuropsychology model (developed in consultation with Steven Feiffer) and is consistent with chart #1 in Appendix I. The second chart displays cross battery analysis (Dawn Flanagan and associates) using the CHC model, consistent with chart #2 in Appendix I. It is important for the reader to recognize that these are not the only models available and that even within these models, there are differences between individual children and between conceptualizations of professionals in the field.

In the context of the LD document, any single psychological process that varies 1.5 SD from the mean (of the test, not the student) or any two processes that vary 1 SD from the mean should be considered as cognitive processing deficits. Best practice suggests that multiple measures of a specific process should be administered and that the composite, cluster or index score should be utilized in calculating the standard deviation score (See details in Appendices III and IV). When deficits are less severe, it could be expected that remediation would be accomplished more quickly than if deficits are more severe. It is also important to remember that inconsistencies within composite areas must be resolved through further testing using subtests/tests that measure similar constructs (i.e. fluid reasoning, comprehension/knowledge, auditory processing, etc.) For a composite to be considered in the context of the LD document, it is recommended that at least 2 scores are included with no significant variance. If variance is evident, additional testing should be attempted to resolve the variance.

SCHOOL NEUROPSYCHOLOGY MODEL: PROCESSES CORRELATED WITH SPECIFIC ACADEMIC SKILLS

	Fine-Motor/Sensory-Motor Integration	Attentional Processes	Visual-Spatial/Orthographic Processing	Auditory/Phonological Processing	Receptive Language	Expressive Language/Retrieval Fluency	Language Based Knowledge/Reasoning	Language Structure/Syntax/Grammar	Verbal Memory	Visual Memory	Working Memory	Executive Functions	Cognitive Speed & Efficiency
1. Basic Reading Skill													
A. Pseudoword Decoding		x	X	X		x			x		x		
B. Sight Word Reading		x	X			x				x			x
2. Reading Fluency Skills		x	X	X		x		x	x	x	x	x	x
3. Reading Comprehension		x			x	x	x	x	x		x	x	x
4. Mathematics Calculation	x	x	X						x	x	x	x	x
5. Mathematics Problem Solving	x	x	X				x		x	x	x	x	x
6. Written Expression													
A. Handwriting	x	x	X							x	x	x	x
B. Spelling		x	X	X		x			x	x	x	x	
C. Editing		x	X			x	x	x	x	x	x	x	
D. Composition		x	X		x	x	x	x	x		x	x	x
7. Oral Expression		x		X		x	x	x	x		x	x	x
8. Listening Comprehension		x		X	x		x	x	x		x	x	x

Cross Battery Model: Cognitive Processes Correlated with Specific Academic Skills

	Basic Reading Skills	Reading Comprehension	Reading Fluency Skills	Mathematics Calculation	Mathematics Problem Solving	Written Expression
Induction	M	M	M	S	S	M
Sequential Reasoning	M	M	M	S	S	M
Language Development	S	S	S	S	S	S
Lexical Knowledge	S	S	S	S	S	S
Listening Ability	S	S	S	S	S	
General Information						S
Spatial Relations				M	M	
Orthographic Processing	M	M	M			
Flexibility of Closure				M	M	
Memory Span	M	M	M	M	M	M
Working Memory	S	S	S	S	S	S
Naming Facility	S	S	S			M
Phonetic Analysis	S	S	S			M
Phonetic Synthesis	S	S	S			M
Perceptual Speed	S	S	S	S	S	S

M= moderate correlation

S= strong correlation

Appendix III

Procedure for Deriving Single Standard Scores From Subtest Scores Derived from Multiple Tests

Percentile Rank and Standard Score Conversion Chart

Appendix III

Procedure for Deriving a Single Standard Score from Subtest Scores from Multiple Tests

General Considerations:

In the context of the LD document, any single psychological process that varies 1.5 SD from the mean (of the test, not the student) or any two processes that vary 1 SD from the mean should be considered as cognitive processing deficits. Best practice suggests that multiple measures of a specific process should be administered and that the **composite cluster** or **index score** should be utilized in calculating the standard deviation score (see details in Appendices III and IV.) When deficits are less severe, it could be expected that remediation would be accomplished more quickly than if deficits are more severe. It is also important to remember that inconsistencies within composite areas must be resolved through further testing using subtests/tests that measure similar constructs (i.e. fluid reasoning, comprehension/knowledge, auditory processing, etc.) For a composite score to be considered representative of a processing deficit in the context of the LD document, it is recommended that at least 2 scores are included with no significant variance. If variance is evident, additional testing should be attempted to resolve the variance.

PROCEDURES

Step 1: Identify cognitive processes associated with specific areas of academic deficit

Example: For reading fluency, assess naming fluency and perceptual speed

Step 2: Administer at least 2 subtests for each identified cognitive process

Example: Naming Fluency Measures:

NEPSY-2: Verbal Fluency or Speeded Coding

WISC-V: Naming Speed

PAL-II: Rapid Automatic Naming

WJ-IV (Oral Language): Retrieval Fluency or Rapid Naming

If scores are not consistent (within 1 SD), then administer further subtests.

Step 3: Total subtest scores from all measures. (If necessary, convert scores to similar standardized scoring format.)

Example:	NEPSY-2: Verbal Fluency	5	=	75
	NEPSY-2: Speeded Coding	7	=	85
	WISC-V: Naming Speed	76	=	76
	<u>PAL-II: Rapid Automatic Naming</u>	<u>6</u>	=	<u>80</u>
	Total Standard Scores			316

Step 4: Divide total score by number of subtests administered to obtain mean score

$$316 \text{ Divided by } 4 = 79$$

Step 5: Report this as the standard score to represent the specific area of cognitive processing when calculating whether the process meets criteria for falling either 1 or 1.5 SD < Mean

$$79 = 1.4 < \text{Mean}$$

Percentile Rank and Standard Score Conversion Chart

Percentile Rank	Mean = 100 SD = 15	Mean = 50 SD = 10	Mean = 10 SD = 3	Percentile Rank	Mean = 100 SD = 15	Mean = 50 SD = 10	Mean = 10 SD = 3
99.99	160	90		48	99	49	
99.99	159	89		45	98	49	
99.99	158	89		43	97	48	
99.99	157	88		40	96	47	
99.99	156	87		38	95	47	9
99.99	155	87		35	94	46	
99.99	154	86		33	93	45	
99.98	153	85		31	93	45	
99.97	152	85		29	92	45	
99.96	151	84		27	91	44	
9.95	150	83		25	90	43	8
99.94	149	83		23	89	43	
99.93	148	82		21	88	42	
99.93	147	81		19	87	41	
99.89	146	81		17	86	41	
99.87	145	80	19	16	85	40	7
99.84	144	79		14	84	39	
99.80	143	79		13	83	39	
99.75	142	78		12	82	38	
99.70	141	77		11	81	37	
99.60	140	77	18	9	80	37	6
99.57	139	76		8	79	36	
99	138	75		8	78	35	
99	137	75		7	78	35	
99	136	74		6	76	34	
99	135	73	17	5	75	33	5
99	134	73		5	74	33	
99	133	72		4	73	32	
98	132	71		3	72	31	
98	131	71		3	71	31	
98	130	70	16	3	70	30	4
97	129	69		2	69	29	
97	128	69		2	68	29	
97	127	68		2	67	28	
96	126	67		1	66	27	
95	125	67	15	1	65	27	3
95	124	66		1	64	26	
94	123	65		1	63	25	
93	123	65		1	63	25	
92	122	64		1	62	25	
91	121	63		.49	61	24	
90	120	64	14	.36	60	23	2
89	119	63		.30	59	23	
88	118	62		.25	58	22	
87	117	61		.20	57	21	
86	116	61		.16	56	21	
84	115	60	13	.16	55	20	1
83	114	59		.11	54	19	
81	113	59		.09	53	19	
79	112	58		.07	52	18	
77	111	57		.06	51	17	
75	110	57	12	.05	50	17	
73	109	56		.04	49	16	
71	108	55		.03	48	15	
69	108	55		.02	48	15	
67	107	55		.01	47	15	
65	106	54		.01	46	14	
65	105	53	11	.01	45	13	
62	104	53		.01	44	13	
57	103	52		.01	43	12	
55	102	51		.01	42	11	
52	101	51		.01	41	11	
50	100	50	10	.01	40	10	

Appendix IV

Standard Deviation Calculations

Appendix IV

STANDARD DEVIATION CALCULATIONS

For Tests with a Mean of 100 and Standard Deviation of 15

A. Index Scores:

Mean = 100

1 Standard Deviation = 15 points

1 Standard Deviation below the mean = 85 (16th percentile)

1 ½ Standard Deviations below the mean = 78 (7th percentile)

B. Subtest Scores:

Mean = 10

1 Standard Deviation = 3 points

1 Standard Deviation below the mean = 7

1 ½ Standard Deviations below the mean = 5.5

For Tests with a Mean of 50 and Standard Deviation of 10

A. Index Scores:

Mean = 50

1 Standard Deviation = 10 points

1 Standard Deviation below the mean = 40 (16th percentile)

1 ½ Standard Deviations below the mean = 35 (7th percentile)

For Tests with a Mean of 50 and Standard Deviation of 8

A. Index Scores:

Mean = 50

1 Standard Deviation = 8 points

1 Standard Deviation below the mean = 42 (16th percentile)

1 ½ Standard Deviations below the mean = 38 (7th percentile)

Appendix V

Examples of Index Scales that Do and Do Not Meet Criteria as Standardized Measures of General Cognitive Ability

Appendix V

Examples of Indices from single cognitive assessment tools with at least 3 subtests for use as standardized measures of general cognitive ability*

WISC-V

Nonverbal Ability

- Block Design
- Visual Puzzles
- Matrix Reasoning
- Figure Weights
- Picture Span
- Coding

General Ability

- Similarities
- Vocabulary
- Block Design
- Matrix Reasoning
- Figure Weights

WJ-IV

Brief Intellectual Ability

- Oral Vocabulary
- Number Series
- Verbal Attention

General Intellectual Ability

- Oral Vocabulary
- Number Series
- Verbal Attention
- Letter-Pattern Matching
- Phonological Processing
- Story Recall
- Visualization

Fluid Reasoning - Comprehension/Knowledge Composite

- Oral Vocabulary
- Number Series
- General Information
- Concept Formation

Stanford Binet-V

Nonverbal IQ

- Fluid Reasoning
- Knowledge
- Quantitative Reasoning
- Visual-Spatial Processing
- Working Memory

Verbal IQ

- Fluid Reasoning
- Knowledge
- Quantitative Reasoning
- Visual-Spatial Processing
- Working Memory

Cognitive Assessment System

Full Scale IQ

- Matching Numbers
- Planned Codes
- Planned Connections
- Expressive Attention
- Number Detection
- Receptive Attention
- Nonverbal Matrices
- Verbal-Spatial Relations
- Figure Memory
- Word Series
- Sentence Repetition
- Speech Rate
- Sentence Questions

Wechsler Nonverbal Scale of Ability

Full Scale IQ

Ages 4:0 -7:11

- Matrices
- Coding
- Object Assembly
- Recognition

Ages 8:0-21:11

- Matrices
- Coding
- Spatial Span
- Picture Arrangement

CTONI

Nonverbal Intelligence Quotient

- Pictorial Analogies
- Pictorial Categories
- Pictorial Sequences
- Geometric Analogies
- Geometric Categories
- Geometric Sequences

UNIT

Full Scale IQ

- Symbolic Memory
- Cube Design
- Spatial Memory
- Analogic Reasoning

*Note: This is not a complete list, but rather a set of examples. Indices were selected based on the requirement of at least 3 subtests and that they are considered measures of general cognitive abilities.

Below are examples of indices that would **not** be appropriate measures of general cognitive ability under these guidelines, either because they do not have the required 3 subtests, or because they are not considered measures of general cognitive ability. These indices can be used as measures of psychological processing if they meet requirements as outlined in Appendix II.

WISC-V:

- Verbal Comprehension Index
- Visual Spatial Index
- Fluid Reasoning Index
- Processing Speed Index
- Working Memory Index
- Quantitative Reasoning Index
- Cognitive Proficiency Index
- Auditory Working Memory Index

WJ-IV:

Comprehension/Knowledge Factor
Short-Term Working Memory Factor
Auditory Processing Factor
Visual Processing Factor
Long-Term Retrieval Factor
Fluid Reasoning Factor
Cognitive Processing Speed Factor
Cognitive Efficiency Clinical Cluster
Number Facility Clinical Cluster
Auditory Memory Span Clinical Cluster

WRAML2:

General Memory Index

Appendix VI

Procedures for students with culturally or linguistically diverse backgrounds, physical disability or other contributing factors that result in no normed instruments being available to measure cognitive processing and/or overall cognitive functioning.

Appendix VI

Assessment of English Language Learner (ELL) Students

1. Both IDEA and Chapter 101 regulations require that assessments and other evaluation materials be used to assess a child. In Chapter 101, Section V. Evaluations and Reevaluations 2. C. provides the following guidance on assessing students who may have diverse racial, cultural and linguistic backgrounds:

Other Evaluation Procedures [34 CFR 300.304(c)]--Each SAU shall ensure that:

- (1) Assessments and other evaluation materials used to assess a child under this section:
 - (a) Are selected and administered **so as not to be discriminatory on a racial or cultural basis**;
 - (b) **Are provided and administered in the child's native language or other mode of communication and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally**, unless it is not feasible to so provide or administer;
 - (c) Are used for purposes for which the assessments or measures are **valid and reliable**;
2. Assessing Cognitive Processing Disorders and IQ with ELL students:
 - There are NO cognitive processing measures that are standardized on English Language Learners (non-native English speakers).
 - That means that there are NO standardized tests of processing that can be considered reliable and valid for use with ELL students.
 - There are a few **nonverbal** intellectual assessment measures that are standardized on **some** ELL populations:
 - Universal Nonverbal Intelligence Test (UNIT)
 - Wechsler Nonverbal Scale of Ability (WNS)
 - Kaufman Assessment Battery for Children, Second Edition (KABC-2)
 - Differential Abilities Scale, 2nd Edition
 - ***But none of these are standardized on African and Asian populations for the purpose of identifying cognitive processing disorders.***
 - The standardized assessment of cognitive processing disorders can only be done with native English speakers. It cannot be fairly (ethically, reliably, validly) done with ELL/non-native English speakers.
3. Assessing Academic Achievement with ELL students:
 - There are NO standardized/individualized measures of academic achievement that have been standardized on ELL/non-native English speakers.

- The WIAT-III and KTEA-2 manuals explicitly state that non-native English speaking populations were excluded from the standardization sample/population.
 - If the WIAT-III or similar instruments are used with ELL students:
 - Only raw score derived scores (e.g., age and grade equivalent scores) should be computed
 - These scores provide an indication of the amount of English-based academic skill a student has amassed in his/her time in this country (not from a standardized perspective, but simply from a ‘how much has the child learned?’ perspective).
4. IDEA & Chapter 101 include the following exclusionary criteria in describing the procedure for identifying a student with a Specific Learning Disability in Section VII 2. L. c. i. III:
- The group determines that its findings under paragraphs (i)(I) and (II) of this section are not primarily the result of—
 - (aa) A visual, hearing, or motor disability;
 - (bb) Mental retardation (now known as intellectual disability);
 - (cc) Emotional disturbance;
 - (dd) Cultural factors;
 - (ee) Environmental or economic disadvantage; or
 - (ff) **Limited English proficiency.**

Given the requirements for using non-discriminatory assessment measures that are administered in the child’s native language and are only used for the purpose for which they were developed and the fact that there are not measures currently available for assessing students who are not native English speaking that meet these criteria, it is our understanding that at this time the only way to meet these requirements is to employ assessment methods that **avoid** the use of standardized intellectual, processing, and academic achievement measures and that instead center on response to intervention/multi-tiered problem-solving approaches.

The following information is offered for consideration by teams in their problem-solving efforts.

1. It is typical for English Language Learner (ELL) students to have a slower rate of academic progress than native English speaking students. On the 2007 National Assessment of Educational Progress, 4th grade ELL's scored 36 points below non-ELL's in reading and 25 points below non ELL's in math. The gap among 8th grade students was even larger; 42 points in reading and 37 points in math. (Goldenberg) Thus, it is important to understand that a gap in achievement does not necessarily mean the student from a diverse background has a disability.

2. In reviewing whether or not a student has responded to intervention it is important to recognize that ELL instruction is not a tier 2 intervention, but rather the standard tier 1 instruction for ELL students. Academic instruction for ELL students at tiers 1 and 2 should utilize methodologies that have been demonstrated to be effective for the ELL population, such as the PLUSS model for reading instruction (Alfonso, Flanagan & Mascola). It will be important for the I.E.P. Team to identify the more targeted tier 2 instruction tailored to ELL students that was provided prior to referral.
3. In considering data from a Multi-Tiered Support System intervention program (MTSS) such as Response to Intervention (RTI), it is not expected that an ELL student will make the same progress as peers. Thus the team must look at multiple factors in considering whether the student is making adequate progress according to benchmarks, work samples and other available data.
4. The age at which the student was initially exposed to the English language, the degree of proficiency they had attained in their native language, the length of time they have been exposed to English and the quality of English and/or Bilingual instruction they have received are all factors that affect the student's expected rate of academic progress.
5. The form of instruction for ELL students has a direct correlation to their expected achievement, with two-way bilingual education programs providing the best opportunity for ELL students to close the achievement gap. ELL students who are provided with traditional (non-content) pullout services typically do not make academic progress at the same rate as their native English speaking peers. Generally 60% of these students will fall in the at-risk range on achievement measures. (Ortiz, *Assessment of English Language Learners: Evidence-based evaluation and best practice*, Westbrook School Department Presentation, March 12, 2015).
6. The most meaningful MTSS data for purposes of identification would be to compare the student's progress to that of other ELL students with similar backgrounds and similar instructional interventions. Since at this time such data is not available on either a state or national level, the best option would be to compile local norms. If such norms are not available, the I.E.P. team would need to evaluate student monitoring data on a case by case basis, looking for signs of steady academic gains or the lack thereof. There is some available data that provides a general idea of the trajectory of progress for ELL students (Ortiz).
7. Standardized achievement testing is among the testing that has not been normed on ELL students, thus standard scores from these tests are not considered valid for this population and should not be considered by the I.E.P. Team. Age and grade equivalency scores do provide data regarding the level of achievement the student is demonstrating, and thus may be considered by the I.E.P. Team, as long as this is within the context of other data sources.
8. There are some guidelines available for using standardized measures of intellectual functioning to obtain data that is relevant to the eligibility decision making process. If a

student obtains average scores on standardized tests administered according to standard procedures despite cultural, linguistic and other contributing factors, then it is safe to conclude there are no underlying processing disorders. If the student scores poorly on measures of specific processes when the test is administered in English, but scores within the average range when the test is administered in the student's native language, then it is safe to conclude that the difficulty is in the area of language acquisition, not an underlying processing disorder. If the student scores below the expected level on measures of psychological processing that are correlated with language and cultural development, then it is recommended that the pattern of scores is compared with that of other students with similar histories to see if it is consistent with the expected pattern, or not consistent. (Ortiz, in press). It is important that the team only use this standardized test data as one portion of the eligibility decision making process.

Many thanks to Samuel Ortiz, Ph.D. for his generosity in allowing us to use information from his presentation on the Assessment of English Language Learners: Evidence-based evaluation and best practice, at the Westbrook School Department on March 12, 2015. The reader is referred to his publications to gain more detailed information on the process of evaluating and education English Language Learner students.

Alfonso, Flanagan & Ortiz (2013) Essentials of Cross Battery Assessment, 3rd Edition, Wiley (www.wiley.com) Note - updated CD for ELL assessment currently in production

Brown & Ortiz, (2014) Interventions for English Learners With Learning Difficulties, in Alfonso, Flanagan & Mascolo Essentials of Planning, Selecting and Tailoring Interventions for Unique Learners 267-313, Wiley (www.wiley.com)

Goldenberg, C. (2008) Teaching English Language Learners. What the Research Does - and Does Not - Say American Educator, 32 (2) 8-23, 42 & 44.

Ochoa, Ortiz & Rhodes (2005) Assessing Culturally and Linguistically Diverse Students: A Practical Guide (Practical Intervention in the Schools). Guilford Press (www.guilford.com)

Ortiz, Samuel O. (2004) Comprehensive Assessment of Culturally and Linguistically Diverse Students: A Systematic Approach for Nondiscriminatory Assessment. (www.nasponline.org/resources/cultural_competence/ortiz.pdf)

Ortiz, Samuel O. (2008) Best Practices in Nondiscriminatory Assessment. in Thomas & Grimes, Best Practices in School Psychology V 661-678, Washington, D.C. National Association of School Psychologists

Appendix VII

Examples of Achievement Tests that Provide Age Level Norms

Appendix VII

Academic Assessment: Areas of Specific Learning Disability

Basic Reading Skill: The ‘reading’ of words that includes use of decoding strategies (transforming letter symbols into phonetic sounds and then into meaningful words) and sight word reading (automatic recognition of whole words).

1. Examples of Standardized Measures:

WJ-IV

Letter Word Identification

Word Attack

Spelling of Sounds

WJ-IV Oral Language

Phonetic Coding

Speed of Lexical Access

TOWRE

Sight Word Reading and Decoding

WIAT-III

Word Reading

Pseudoword Decoding

GORT-IV

Sight Word List

Decoding List

Reading Accuracy

KTEA-II

Letter and Word Recognition

Phonological Awareness

Nonsense Word Decoding

PAL-II

Pseudoword Decoding Accuracy

Sentence Sense Accuracy

Morphological Decoding Fluency – Accuracy Score

Find the True Fixes

2. Best Practices for Assessment:

- a. Measure letter identification, sight word reading and pseudoword reading.
- b. Measure skills in isolation and in context.
- c. Measure both accuracy and fluency of each.
- d. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Reading Fluency Skills: Reading accurately (with not too many miscues) at a reasonable rate and with a reasonable degree of expression.

1. Examples of Standardized Measures

WJ-IV

Word Reading Fluency (silent at sentence level)

Oral Reading

Sentence Reading Fluency

GORT-IV

Reading Fluency (oral at paragraph level)

TOSWRF (silent at word level)

TOWRE (oral at word level)

KTEA-II

Word Recognition Fluency

Decoding Fluency

Associational Fluency

Naming Facility

WIAT-III

Oral Reading Fluency

PAL-II

Pseudoword Decoding Fluency

Morphological Decoding Fluency

Sentence Sense Fluency

2. Best Practices for Assessment:

- a. Measure both silent and oral reading fluency
- b. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Reading Comprehension: Understanding and deriving meaning from text while reading silently or orally.

1. Examples of Standardized Measures:

WJ-IV

Passage Comprehension (sentence level)

Reading Vocabulary (word level)

Reading Recall

WIAT-III

Reading Comprehension (paragraph)

Oral Reading Fluency

KTEA-II

Reading Comprehension

2. Best Practices for Assessment:

- a. Measure skills in isolation and in context.
- b. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Mathematics Calculation: Performing paper and pencil mathematical operations in isolation

1. Examples of Standardized Measures:

WJ-IV

Calculation (untimed)

Math Facts Fluency (timed)

WIAT-III

Numerical Operations (untimed)

Math Fluency – Addition (timed)

Math Fluency – Subtraction (timed)

Math Fluency – Multiplication (timed)

TOMA-II

Computation (untimed?)

KTEA-II

Math Computation

PAL-II

Oral Counting

Look and Write – Addition, Subtraction, Mixed Addition and Subtraction, Multiplication, Division and Mixed Multiplication and Division

Listen and Say – Addition, Subtraction, Mixed Addition and Subtraction, Multiplication, Division and Mixed Multiplication and Division

Computation Operations – Tasks A, B & C

Finding the Bug

2. Best Practices for Assessment:

- a. Measure both accuracy and fluency
- b. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Mathematics Problem Solving: Demonstrating understanding and application of mathematical terms, concepts and procedures within a meaningful context.

1. Examples of Standardized Measures:

WJ-IV

Applied Problems

Number Matrices

WIAT-III

Mathematical Reasoning

TOMA-II

Vocabulary

General Information

Story Problems

Attitude

KTEA-II
Math Concepts and Applications

PAL-II
Place Value – Oral, Written and Problem Response
Written
Part-Whole Relationships – Concepts, Fractions and Time
Multi-Step Problem Solving

2. Best Practices for Assessment:

- a. Measure understanding/application of terms, concepts and procedures.
- b. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Written Expression: The production of letters to form words that includes use of encoding strategies (transforming phonetic sounds into letter symbols and then into meaningful words), and sight word spelling (automatic spelling of whole words); writing accurately (without too many errors) at a reasonable rate and with a reasonable degree of expression of understanding and meaning in text.

1. Examples of Standardized Measures:

WJ-IV

Spelling
Writing Fluency (timed)
Writing Samples (sentence level)
Editing

WIAT-III

Spelling
Alphabet Writing Fluency (timed)
Sentence Composition (sentence level)
Essay Composition (paragraph level)

TOWL-3

Contextual Conventions
Contextual Language
Story Construction
Vocabulary
Spelling
Style
Logical Sentences
Sentence Combining

PAL-II

Alphabet Writing
Copying Tasks A & B
Word Choice Accuracy & Fluency
Narrative Compositional Fluency
Expository Note Taking
Expository Report Writing

Cross Genre Compositional and Expository Writing
KTEA-II
Written Expression
Spelling

OWLS
Written Language Scale

2. Best Practices for Assessment:

- a. Measure at letter, word, sentence and paragraph levels.
- b. Measure accuracy of editing details
- c. Measure quality of communication
- d. Measure fluency.
- e. If the results of one measure are incongruous with the results of other measures, administer multiple measures of that construct.

Listening Comprehension (receptive language)

WJ-IV Oral Language
Understanding Directions
Oral Comprehension
WIAT-III
Receptive Vocabulary
Oral Discourse Comprehension
KTEA-II
Listening Comprehension
CELF-V
Receptive Language subtests

Oral Expression (expressive language)

WJ-IV Oral Language
Sentence Repetition
Picture Vocabulary
WIAT-III
Expressive Vocabulary
Oral Word Fluency
Sentence Repetition
KTEA-II
Oral Expression
OWLS
Oral Language Scale
CELF-V
Expressive Language Subtests

Appendix VIII

Measuring Adequate Academic Achievement

Appendix VIII

Guidance on Determining Adequate Achievement

Neither federal nor state regulations provide a specific set of criteria for making a determination as to what level of achievement is considered adequate. The following guidance on making such determinations is offered, based on general statistical properties of standardized assessment instruments and on features of child development:

1. When using achievement tests that provide standard scores (such as those listed in Appendix VI) the following guidance is offered:
 - a. Any score greater than 1 standard deviation below the mean may be considered as inadequate.
 - b. The IEP Team is encouraged to take confidence intervals (standard errors of measurement or SEM) into consideration when appropriate.

3. When using measures of achievement that provide percentile scores, the following guidance is offered:
 - a. Any score below the 16% level may be considered inadequate.
 - b. The Team is encouraged to take confidence intervals (standard errors of measurement – SEM) into consideration when appropriate.

Appendix IX

Response to Intervention Procedures

Appendix IX

Response to Intervention Procedures

The following are derived from Section III of Maine's Chapter 101 Regulations
Section III. General Education Intervention I (pages 13-14).

1. General

...all school administrative units shall...provide each child who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress.

2. Procedure

While variations in how school administrative units develop and implement general education interventions are expected, all general education interventions must include:

- a. Documentation that every child, prior to entering the general education intervention process, was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. §6368(3)), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports
- b. A team-based decision-making process;
- c. Screening at reasonable intervals to determine whether all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements;
- d. Data Analysis of screening results focusing on determining to what extent all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements and identifying which children are not making adequate progress towards these goals and are in need of targeted general education interventions;
- e. A determination as to whether a child's assessed difficulties are likely the result of linguistic or cultural differences;
- f. Provision of research-based general education interventions targeted at the child's presenting academic and/or behavioral concerns as determined by screening results;

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- g. Repeated formative assessments of student response to targeted interventions, conducted at reasonable intervals, that generate rate based measurable data for both specifying academic and behavioral concerns and monitoring child progress during general education interventions;
- h. Documentation that parents were notified about the process, given the opportunity to participate in instructional decision-making, and kept informed of their child's progress during targeted general education interventions;
- i. A team shall review the child's progress no later than 60 school days after the start of formal general education interventions and approximately every 30 school days thereafter. At each meeting the team shall review data on the child's progress to determine if modifications to the general education interventions are needed and/or if a referral to special education is indicated: and
- j. Provisions for targeted general education interventions to continue during any subsequent special education referral.

The following guidance on implementation of the General Education Intervention (RTI/MTSS) requirements is offered:

1. Documentation should be provided to the I.E.P. Team that demonstrates the student was provided with support through a team based decision making process. This team can take many forms including an RTI, MTSS, SAT or Title I team or some other problem solving team, as long as the team make-up and process conforms with state requirements. It will be important for the team to include the student's regular education teacher, an administrator and someone with expertise in the RTI/MTSS process including expertise in research based interventions and progress monitoring. The team must also involve parents.
2. Documentation should be provided to the I.E.P. Team demonstrating that through the team based problem solving process the student was provided with research based instruction that targeted their identified academic concern(s). Research based interventions should include specific teaching methodologies that have documented evidence of being successful in improving academic performance for students in the specific academic skill(s) which have been targeted by the screening tools. It will be important to have evidence that these interventions are implemented with fidelity including teaching according to the format of the intervention. Sessions should be at an appropriate level of frequency and duration. Simply stating that the student received a form of intervention, such as Title I Services, is not adequate. Rather, the team should identify the instructional model employed
3. The I.E.P. Team should be provided with documentation of repeated formative assessments of student response to targeted interventions. The formative assessments should provide an effective measure of the specific academic skill(s) being targeted, be sensitive enough to measure small gains and have a means for comparing the student's progress to that of other students. Examples include, but are

not limited to, the AIMSweb and DIBELS measures. Note the requirement for providing parents with information about their child's progress.

4. A reasonable interval for progress monitoring assessments is typically about one week (5 school days). Review of progress as noted in (i) above must be by 60 school days (12 weeks) after the initial intervention and every 30 school days (6 weeks) thereafter. It is recommended that the I.E.P. Team is provided with a written record of the problem solving team meetings that shows compliance with this time frame and specifies changes made when adequate progress was not evident.
5. If the data indicate resistance to two consecutive data-driven intervention strategies, the pre-referral team should meet to determine further intervention modifications and whether a referral should be made simultaneously to the I.E.P. Team.
6. Resistance is indicated when the pre-referral team determines that:
 - a. The gap between the child's educational performance and the goal set for his or her grade level has not decreased satisfactorily, or
 - b. The interventions are demonstrated to be effective at decreasing the gap but require continued and substantial effort that may include the provision of special education and related services. This would represent a level of effort that exceeds that provided to other students who are receiving instructional intervention at this level of support within the school's multi-tiered support system.
7. The I.E.P. Team needs to provide documentation showing that they considered whether the child's assessed difficulties are likely the result of linguistic or cultural differences. This may include documentation of the child's linguistic and cultural background, results of any ELL screening, etc.
8. The I.E.P. Team should be provided with documentation of parent notification of the following:
 - a. Their child's referral to the problem solving team process.
 - b. Their opportunity to participate in the problem solving team process.
 - c. Documentation of their child's progress during the problem solving team process.
9. The general education interventions should continue while the referral is being handled by the I.E.P. Team and the resulting data should be provided to the I.E.P. Team to be considered as part of the identification decision making process.

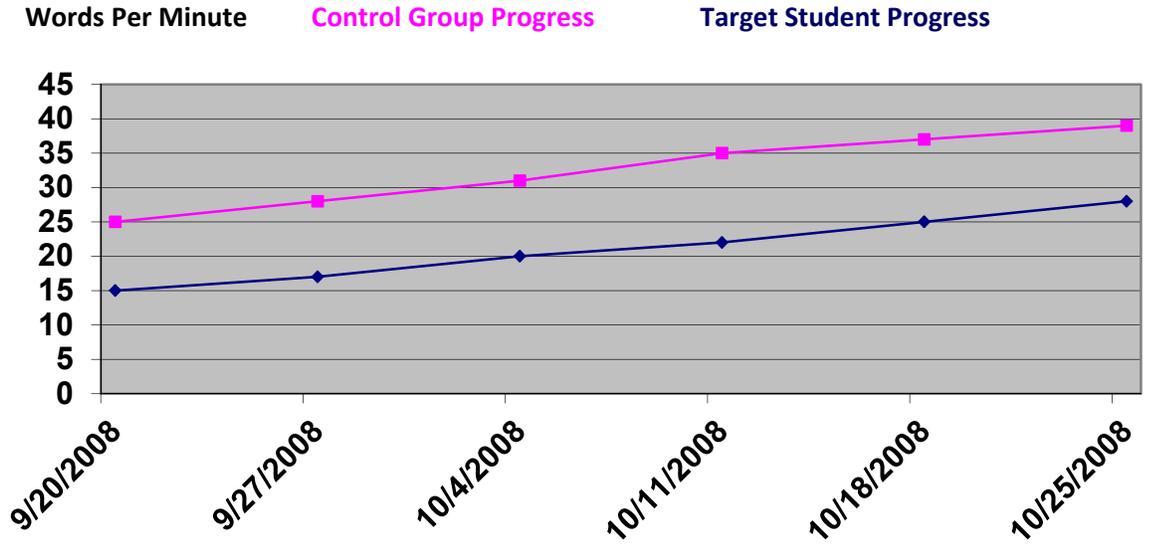
Appendix X

Response to Intervention -- Sufficient Progress

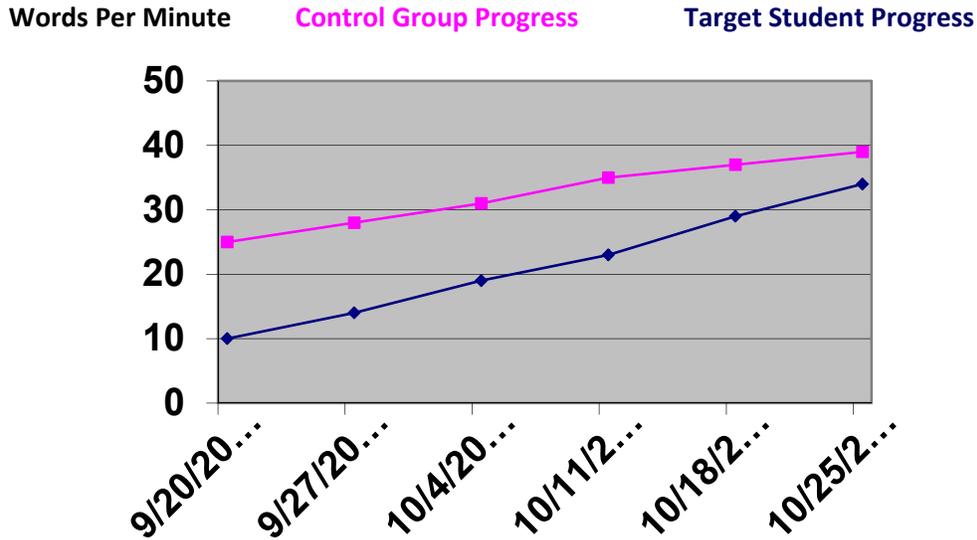
**Appendix X
Sample Response to Intervention Charts**

Oral Word Reading Fluency

Example 1: Student Not Closing Gap



Example 2: Student Closing Gap



Appendix XI

Determining Patterns of Strengths and Weaknesses

Appendix XI

Guidance on Determining Patterns of Strengths and Weaknesses

This federal requirement is not elaborated upon in the federal regulations. Some guidance is provided from the Learning Disabilities Roundtable (February 2005 page 13)

“This guideline is not meant to encourage use of formulas or a rigid approach to interpreting strengths and weaknesses. Only empirically validated patterns of discrepancy should be considered by teams...it is important to recognize that the new guideline also acknowledges intra-individual differences as a fundamental concept of SLD...”

The only portions of the Maine regulations that provide any guidance for identifying this pattern of strengths and weaknesses are:

- The requirement in VII (2) (L) (2) (a) (ii) that requires “peer reviewed, scientific research documentation, independent of that provided in the test manual, that supports a correlation between the processing problem and the academic deficit”.
- The requirement in VII (2) (L) (2) (a) (iii) that provides a means for measuring the student’s cognitive ability.

Given the limited guidance available in federal and state regulations, the following is offered as a framework for a clinical response to this requirement in Part 4 b. of the LD document.

Procedure for identifying patterns of strengths and weaknesses in **Educational Performance**:

- a. Gather measures of the student’s educational performance in the area(s) of academic **weakness** identified in Part #3 of the LD document (basic reading, reading fluency, etc.) such as:
 - Classroom Work Samples
 - Classroom Participation Samples
 - Homework Assignments
 - Classroom Quizzes and Tests
 - Portfolios
 - Curriculum Based Assessments
 - Classroom based measures of State Approved Grade Level Standards
- b. Gather measures of the student’s educational performance in at least one area of academic **strength**. Use information similar in format to the material used for identifying the weakness above.

- c. Means for identifying a pattern of strengths and weaknesses in Educational Performance **relative to age**:
 - 1. If the student is performing significantly closer to other students the same age in the area of strength than the area(s) of weakness, then this would constitute a pattern of strength and weakness.
 - 2. As there are no statistical formulae available for determining significance in this matter, the team will have to use its judgment.
- d. Means for identifying a pattern of strengths and weaknesses in Educational Performance **relative to State approved grade level standards**:
 - 1. If the student is achieving significantly closer to State approved grade level standards in the area of strength than the area(s) of weakness, then this would constitute a pattern of strength and weakness.
 - 2. As there are no statistical formulae available for determining significance in this matter, the team will have to use its judgment.
- e. Means for identifying a pattern of strength and weakness in Educational Performance **relative to intellectual development**.
 - 1. Measure the student's intellectual development in a manner consistent with requirements of Part #2 of the LD document.
 - 2. Compare the results of the intellectual assessment with the student's performance in the identified area of weakness.
 - 3. Since intellectual assessments are scored according to age norms and educational performance is scored according to grade level norms, it is not possible to make a statistical correlation between the two measures. Rather, the Team will need to compare where the student is performing compared to the norm group for each measure.
- f. Example:
 - 1. A second grade student earns 'Does Not Meet' on measures of State-approved second grade level measures of basic reading and reading fluency. This student earns 'Does Meet' on measures of State-approved second grade level measures of math calculation and math problem solving. This variance in educational performance is consistent with a pattern identified by research for students with a specific learning disability in reading.

Procedure for identifying patterns of strengths and weaknesses in **Academic Achievement**:

- b. Review results of achievement measures in the area(s) of academic weakness identified in Part #3 of the LD document (basic reading, reading fluency, etc.).
- c. Review results of similar achievement measures in one or more areas of academic strength in a manner consistent with guidance for Part #3 of the LD document

- d. Compare the difference between the student's achievement in the area of greatest strength and the area of greatest weakness as identified above. Be sure to use similar measures, ie, if using age based achievement norms for measuring the strength, then use age based achievement norms for measuring the weakness.
- e. Means for identifying a pattern of strengths and weaknesses in academic achievement **relative to age**:
 1. Compare age based standardized scores in the area of strength and weakness.
 2. To meet this criterion, there should be variance between scores.
- f. Means for identifying a pattern of strengths and weaknesses in academic achievement **relative to State-approved grade level standards**:
 1. Compare the student's performance on grade level assessments in the areas of greatest strength and greatest weakness.
 2. To meet this criterion, there should be variance between scores.
- g. Means for identifying a pattern of strength and weakness in academic achievement **relative to intellectual development**.
 1. There must be scientifically based research correlating the processing disorder(s) identified in Part #1 of the LD Document with the area(s) of academic deficit identified in Part #3 of the LD Document
 2. Measure the student's intellectual development in a manner consistent with requirements of Part #2 of the LD Document.
 3. Compare the results of the intellectual assessment with standardized scores on an age normed achievement test measuring the area of academic weakness identified in Part #3 of the LD document.
 4. To meet this criterion, there should be variance between scores and cognitive processing deficits should match areas of academic weakness while other scores (both cognitive and achievement) should be consistently higher.
- h. Example:
 1. A seven year old student earns the following standard scores:
 - 75 on measures of reading skill
 - 72 on measures of phonological processing
 - 98 on measures of math calculation and problem solving
 - 100 on measures of fluid or perceptual reasoning
 2. There is a research based correlation between the reading deficit and the deficit in phonological processing.
 3. There is a research based correlation between the student's strong math skills and their strong fluid or perceptual reasoning skills.
 4. There is significant variance between the student's academic achievement in reading and math and between phonological processing and fluid or perceptual reasoning.

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