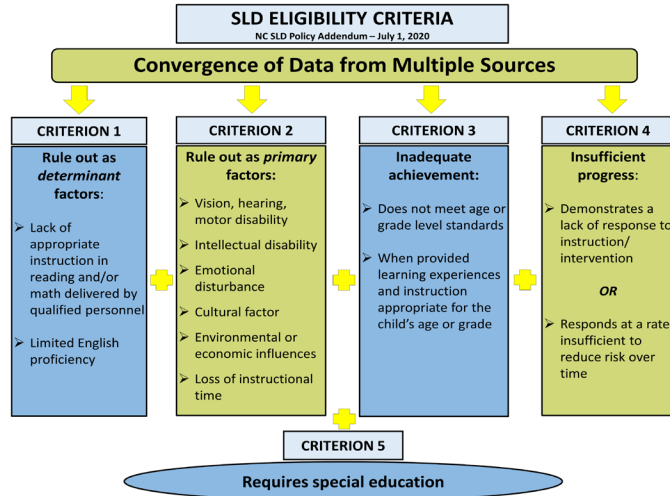


SLD POLICY FACT SHEET #8 – INSUFFICIENT PROGRESS

The [NC Policies Governing Services for Children with Disabilities Addendum](#) became fully effective July 1, 2020, regarding the definition, evaluation and identification of students with Specific Learning Disabilities (SLD). This fact sheet, the eighth in a [series](#), addresses Criterion 4, Insufficient Rate of Progress.



This graphic provides an overview of the criteria for determination of a Specific Learning Disability. The figure is adapted from "The RTI Approach to Evaluating Learning Disabilities," by J. Kovalski, A. VanDerHeyden and E. Shapiro, 2013.

Criterion 4: Insufficient Rate of Progress

North Carolina’s instructional response method of evaluation and eligibility determination has three components: (1) consideration of exclusionary factors, (2) inadequate achievement, and (3) insufficient rate of progress. This fact sheet will focus on the component of insufficient rate of progress.

“Understanding the student’s rate of growth relative to the rate of growth needed for long-term academic success is the essence of determining whether the student has responded to instruction and intervention (Kovalski, et. al., 2013).” This criterion establishes the conceptual basis of a Learning Disability as *unexpected underachievement*.

IDEA defines insufficient progress as:

“The child does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas... when using a process based on the child’s response to scientific, research-based intervention.” (IDEA 2006;300.309[a][2][i])

NC Policies Governing Services for Children with Disabilities define insufficient rate of progress as follows:

“When provided with high-quality core instruction that a majority of students are responding to and evidence-based intervention(s) matched to area(s) of need, the child demonstrates either a lack of response to instruction and intervention or is responding at a rate that is insufficient to reduce their risk of failure after an appropriate period of time.” (NC 1503-2.5[d][11][ii][C])

In Plain Language

This criterion means that the student is unable to meet age or grade-level standards in a reasonable period of time even after the student has had an opportunity to learn. “Opportunity to learn” means the student has been provided high-quality core instruction and evidence-based intervention delivered with fidelity in the academic area(s) of concern. To make this determination, progress monitoring data

must be collected and analyzed. The student’s progress is compared to what is expected for students without disabilities receiving the same instruction and intervention to determine if the gap between where the student is currently performing and grade level expectations is closing or will close in a reasonable period of time.

“If an achievement deficit is present and the student demonstrates intractability in response to quality instruction, we can be sure that the LD is unexpected. Cognitive discrepancies do not provide this assurance” (Swanson et. al., 2013).

Documentation of Insufficient Rate of Progress

Required Documentation (NC 1503-2.5[d][11][ii][C]):	Questions to Ask:
<p>1. The type, intensity, and duration of identified evidence-based instructional intervention(s);</p> <ul style="list-style-type: none"> ● Documentation that the intervention length and frequency is in accordance with the identified research-based criteria that supports effective results 	<p>Has the intervention(s) implemented been proven to be effective through a strong scientific research/ evidence-base for students with similar demographic characteristics?</p> <p>Has sufficient instruction been delivered for the student to make measurable growth?</p>
<p>2. The child’s rate of progress during the instructional intervention(s);</p>	<p>To what degree is/are the student’s skill(s) improving as a result of the intervention(s) as evidenced by progress monitoring data?</p> <p>Have adjustments been made and documented in response to ongoing progress monitoring data?</p> <ul style="list-style-type: none"> ● Were changes made to the intensity, duration or frequency of the interventions or were additional interventions implemented in response to the data? <p>If the student is making progress, is the student generalizing skills in order to make progress with grade level standards?</p>
<p>3. A comparison of the child’s rate of progress to expected rates of progress, including evidence that the intervention yielded successful responses and outcomes for the majority of other children receiving the intervention;</p>	<p>Are the majority of students receiving the intervention responding positively? If not, this is indicative that the lack of response <i>may</i> be a curriculum or instructional issue rather than being learner specific.</p> <p>Is the difference between actual and expected performance, in comparison to grade-level peers, closing?</p>
<p>4. Progress monitoring on a schedule that:</p> <ul style="list-style-type: none"> ● Allows a comparison of the child’s progress to the performance of peers; ● Is appropriate to the child’s age and grade placement; ● Is appropriate to the content monitored; 	<p>Were the progress monitoring measures used reliable and valid?</p> <p>Do the measures used match the area of concern in which the student is receiving intervention?</p>

<p>and</p> <ul style="list-style-type: none"> Allows for interpretation of the effectiveness of intervention; and 	<p>Are sufficient data points available to make a sound decision about the student’s responsiveness?</p> <p>See the NC MTSS Implementation Guide for guidance on establishing data decision rules.</p>
<p>5. Evidence that the intervention was implemented with fidelity.</p>	<p>Have the interventions been carried out as designed? (i.e. as prescribed, with sufficient intensity, for an adequate length of time, with integrity)</p> <p>What evidence exists to document that the adult providing the intervention was appropriately trained to implement the intervention as designed?</p>

Progress Monitoring: Quantifying Instructional Response

NC Policies Governing Services for Children with Disabilities define progress monitoring as “an evidence-based practice used to assess students’ academic and/or behavioral performance and evaluate the effectiveness of instruction and/or specific interventions. Progress monitoring can be implemented with individual students, groups of students, or an entire class. Central to the practice is data-based documentation of repeated assessments that produce quantitative results that are charted over time to document rates of improvement. The measures should be brief, reliable, valid, sensitive, linked to the area of intervention/instruction, and measure the same construct/skill over time (NC 1500-2.11[b][13]).”

“In order to gain a complete picture of a student or group of students’ progress with instruction and intervention over time, teams cannot discount the use of informal assessments and anecdotal data. Although these are typically less valid and reliable than the more formal measures we have described thus far, too often we exclude these in our decision making to the detriment of our students. Classroom tests, informal formative assessment, observations and impressions should all be used to gain the most complete picture of students’ progress” (NC MTSS Comprehensive Assessment Guidelines).

Neither federal regulations, nor NC Policies, quantify “insufficient” progress. There is no gold standard for determining inadequate response (Swanson et. al., 2013). To progress monitor a student or students receiving intervention, multiple measures are essential for making sound decisions of instructional response. Determinations of progress should never be based on a single measure or on rigid cut points. Measures used to evaluate student response to instruction and intervention may include: Curriculum Based Measures, Computer Adaptive Testing, intervention-embedded assessments, informal assessments, and anecdotal data. All of these together provide a complete picture of a student’s progress with intervention and instruction (NCDPI MTSS Implementation Guide).

The [RTI Action Network’s SLD Identification Toolkit](#) provides the following recommendations for professional decision-making for insufficient rate of progress:

- **First**, a professional judgment is data driven. Neither bias nor tradition are reasons for judgment that are professional. Data collected through the RTI-based process provide the foundation for

this significant decision.

- **Second**, a professional judgment is a competent application of the expertise, experience, and training of those making the judgment. Commitment to collaborative problem-solving and optimism about student outcome gives the judgment the best chance of having a positive effect.
- **Third**, and most importantly, a professional judgment is student centered and not made based on the needs of the educators and/or parents. Student-centered judgments provide the best chance for improving educational outcomes.

(RTI Action Network, referenced as: *Kukic, personal communication, April 12, 2014*)

The scope of this Fact Sheet does not lend itself to a thorough discussion of progress monitoring. Teams are strongly encouraged to refer to the *NC MTSS Comprehensive Assessment Guidelines* on progress monitoring and *NC MTSS Data Decision Rules* guidance for best practices in progress monitoring and data informed decision-making. These, along with additional resources, are included at the end of this document.



If a referral to evaluate had been made, interventions and progress monitoring continue throughout the evaluation. Individual problem-solving does not cease upon referral.

If a suspicion of a disability is established, and the required interventions have not been delivered and/or progress monitoring data has not been collected, then the IEP team requests these components and implements the interventions and collects progress monitoring data as part of the evaluation process.

Caution must be taken not to delay a referral for evaluation beyond when an individual or the team suspects a disability. Neither an MTSS framework nor participation in a process based on the child's response to intervention replaces the right of a child with a disability to be identified as such and to receive special education services (OSEP, 2011).

Dig deeper with these companion recordings:

[Criterion 4 – What's Changed?](#)

[SLD Fact Sheet 8](#)

[Goal Setting/Rate of Improvement Screencast](#)

Additional Resources:

[IRIS Center Modules on Progress Monitoring](#)

[National Center on Intensive Intervention - Progress Monitoring Resources](#)

[NC MTSS Communication Brief: Progress Monitoring Interventions within an MTSS](#)

[NC MTSS Comprehensive Assessment Guidelines](#)

[NC MTSS Data Decision Rules Guidance](#)

For additional information, contact:

[North Carolina Department of Public Instruction Exceptional Children Division](#)