Turn MTSS Data Into Action: Identifying SLD With Confidence

Angela Scott, Victoria Weinberg and Patty Popp
Minnesota Department of Education
Special Education Specialists

Ten Minnesota Commitments to Equity

1. **Prioritize equity.**
2. **Start from within.**
3. **Measure what matters.**
4. **Go local.**
5. **Follow the money.**
6. **Start early.**
7. **Monitor implementation of standards.**
8. **Value people.**
9. **Improve conditions for learning.**
10. **Give students options.**

A

Timeline of SLD Rule Amendment

May 2023-June 2024

- MN Legislature gave rule making authority to amend eligibility criteria for SLD.
- MDE assembled a comprehensive committee to make recommendations.
- MDE conducted usability testing on proposed criteria.
- Committee and researchers came back together to review usability findings, adjust criteria, and approve recommendations.
- Recommended rule submitted, and SLD baseline data published in a fact sheet.

Can we move away from discrepancy before the amended criteria is finalized?

Fall 2024-Spring 2026 (anticipated)

- Stakeholder input to build system and practitioner capacity.
- Lawyers draft rule language.
- Public comments, and MDE responds to need and reasonableness of rule.
- Administrative law judge ruling.

July 2031 (anticipated)

- Amended criteria in full effect 5 years after administrative law judge ruling.

MDE and Partners

- Build data system capacity
- Provide training and technical assistance
- Develop guidance and templates

What are Your Feelings about Changing SLD Eligibility Criteria?

A. Dread—queasy

B. Indifferent—neutral

C. Curious—tentatively optimistic

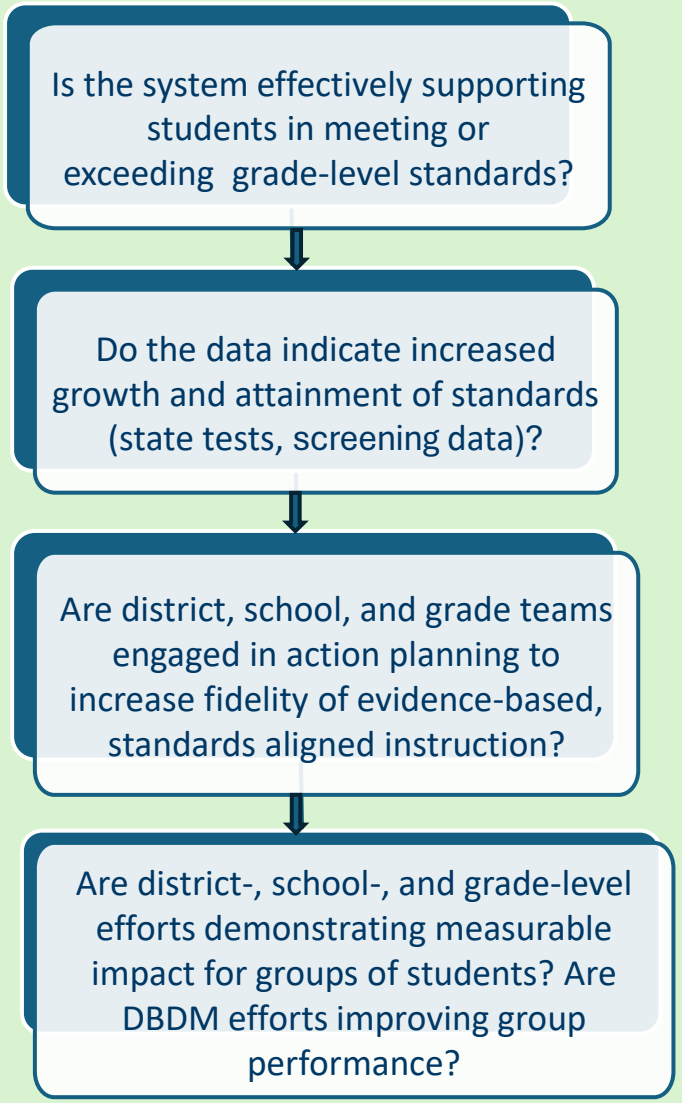
D. Anticipation—positive expectations

What is the best thing that can happen for you during this session?

Embedding the MTSS Tools into Recommended SLD Criteria

MTSS Data Guidebook Appendix E Supports Leadership Improvement Efforts

District and School Process



Appendix E

Inquiries to Guide Data-Based Decision Making

General Questions for Teams About Performance Evaluation

- What is the discrepancy between current performance and our expected performance relative to academic, behavior, school climate, parent engagement and/or social-emotional goals?
- What is the discrepancy between current rate of improvement and our criteria for expected rate of improvement?

Schoolwide (or Districtwide) Current Performance Questions for the School Leadership Team

- What percentage of students are demonstrating expected performance? (e.g., at clearly defined benchmark, grade-level standard)?
- Are students making adequate progress toward meeting benchmarks?
- Are Tier 2 & 3 programming having the desired effect?
- What does our progress monitoring data reveal?
- How equitable is our system? Is every student group equitably benefiting from current programming and instruction?
- Are opportunity and outcome gaps closing or do some groups continue to show disparities in educational opportunity and achievement?

Classroom Current Performance Questions for Grade Level or Subject Area Teams (e.g., professional learning communities)

- What percentage of students are meeting expectations (e.g., at benchmark on screening measures)?
- Are students making adequate progress toward meeting those expectations and what is your evidence? Are students who formerly met the standard continuing to meet the standard? Are more and more students who were formerly below the standard now meeting the standard?

MN MTSS Data Guide Book: Appendix D Provides A Tool for Reviewing The Data

Purpose: The purpose of this tool is to support the use of data to inform systemic decisions supporting **District Leadership Teams** to lead the implementation of Minnesota Multi-Tiered System of Supports (MnMTSS).

Appendix D

Sample District Leadership Team Data Worksheet

STEP 2: Student Outcomes from the Current System

Reframe data perspective: from "we have 25% proficiency" to "our curriculum, instruction and overall system is responsive to 25% of our students" (Gholdy Muhammad, *Cultivating Genius*)

2a. Universal Screening Data

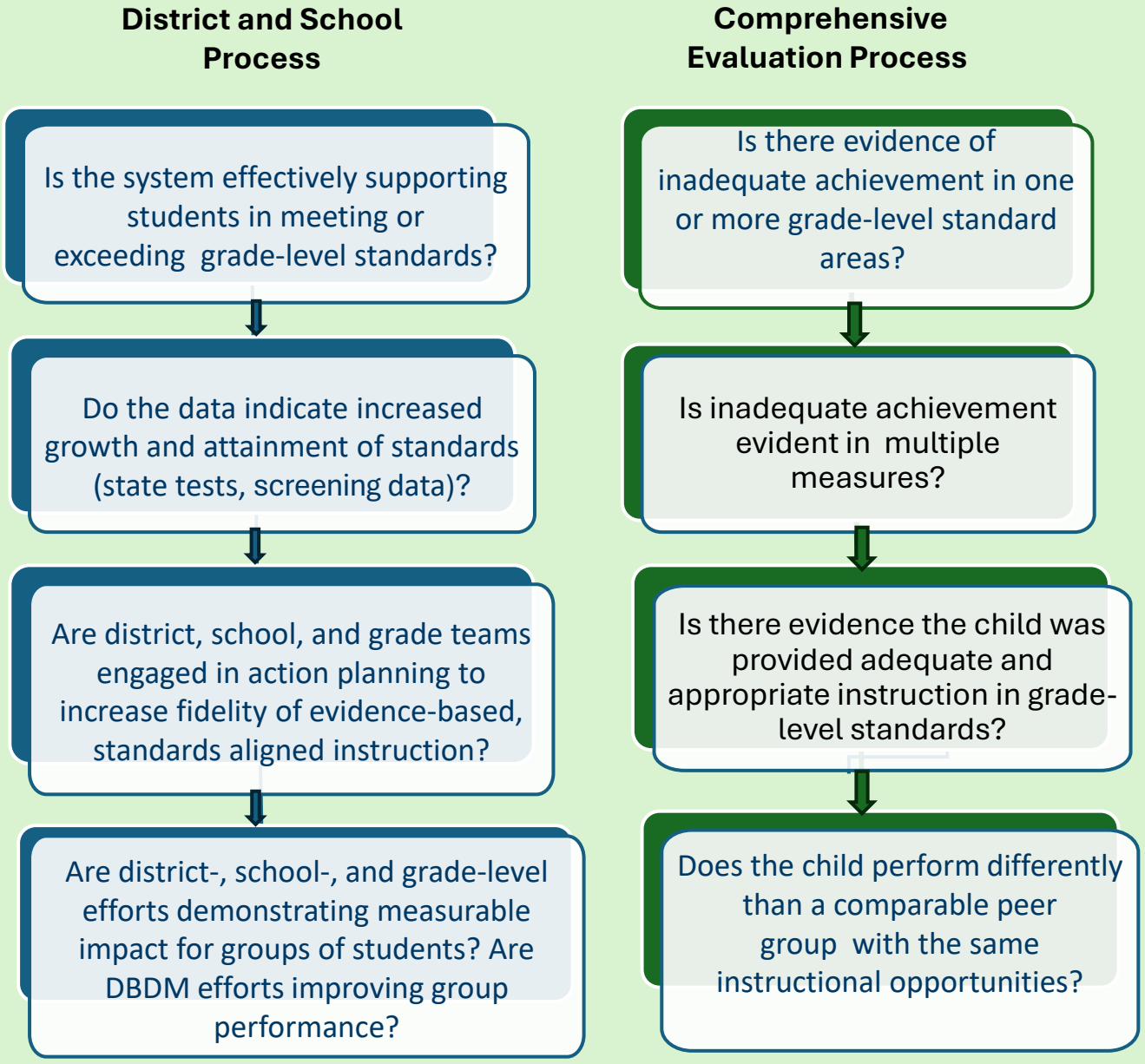
Universal Screening Data by Student Group

Student Group	Total (n)	Well Below Grade Level (n)	Well Below Grade Level (%)	Below Grade Level (n)	Below Grade Level (%)	At Grade Level (n)	At Grade Level (%)	Above Grade Level (n)	Above Grade Level (%)
American Indian									
Asian									

2c. Current Year Minnesota Comprehensive Assessments

Performance on Minnesota Comprehensive Assessments by Student Group

Student Group	Total (n)	District - Does Not Meet (%)	District - Partially Meets (%)	District - Meets (%)	District - Exceeds (%)	State - Does Not Meet (%)	State - Partially Meets (%)	State - Meets (%)	State - Exceeds (%)
American Indian									
Asian									



Recommended Criteria: Part A Requires a Comparative Analysis

Given that the process, policies, and procedures of instruction, intervention, and evaluation described in the TSES are consistent with those described in local plans, state rules, and federal regulations (e.g., local literacy and math plans, multi-tiered system of support (MTSS) plans, professional development plans),

- did the student have access and engage with appropriate, evidence-based instruction?
- does the student require special education supports and services to access and make progress in the standards?

Visualize the data

Recommendations and Implications for Criteria A

The child does not achieve adequately for the child's age or to meet State-approved grade-level standards

1 Direct Measure of Standards

What is the shared terminology for discussing what is taught and tested in the standards?

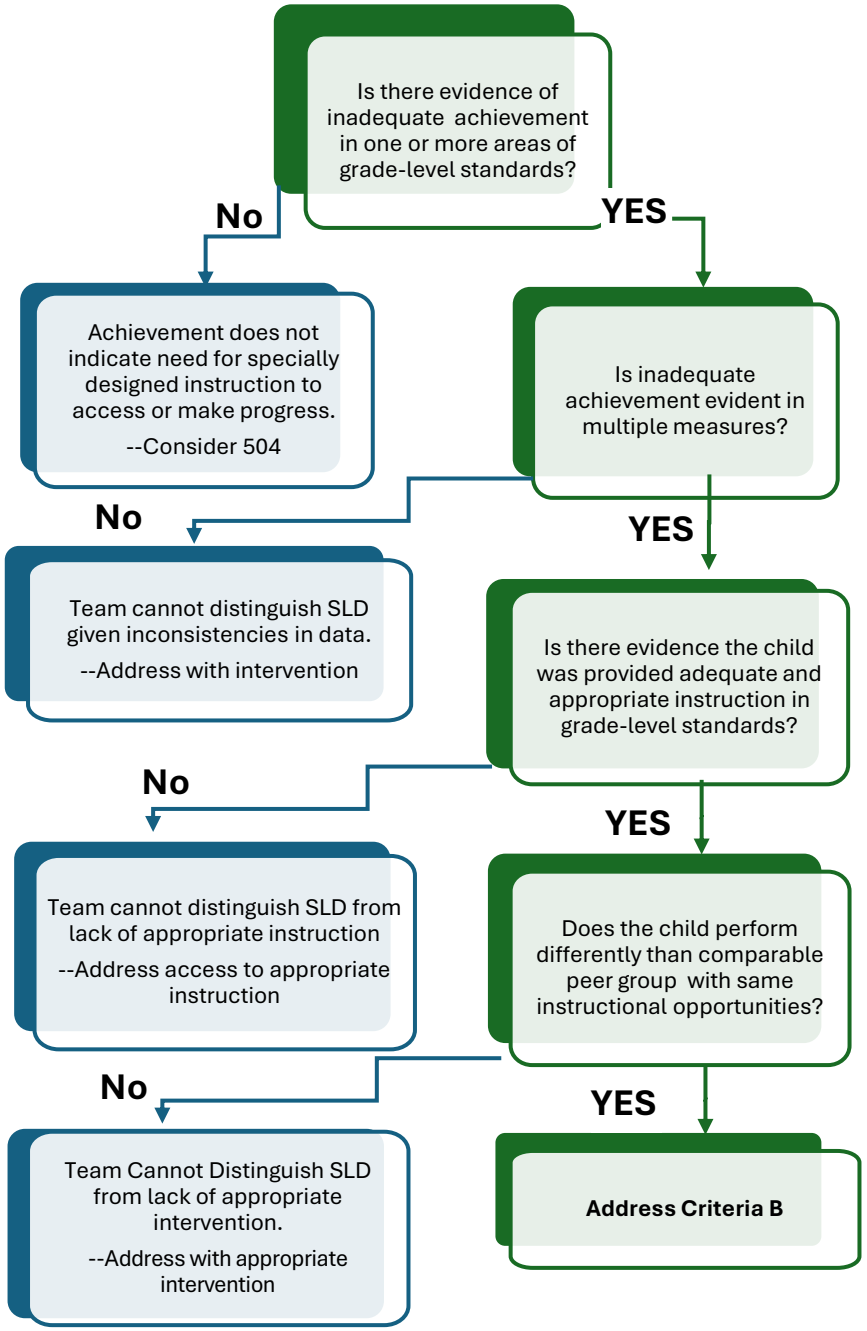
- MCAS measure some but not all the standards.
- Performance Level Descriptors for all ELA and Math grades K-2 are coming.
- Tests of curricular objectives and benchmark assessments teachers use may add to the picture of whether a student is accessing, making progress, or performing within grade level expectations.

2 Screening– General Outcome Measures are indirect

Screeners, that are valid and reliable, sensitive and specific to reduce false positives and negatives. Screeners follow protocol for administration and interpretation.

3 Criterion Referenced Measures (indirect measure)

Measures of skills and or learning that indicate where students are in the learning. May be cross-references with performance level descriptors and curricular objectives to add validity and inform further intensification and services delivery.



Recommended SLD Criteria Part A: Decision Tree

The evaluation team collected and used data to determine the child does **not** achieve adequately for their age or to meet state-approved grade-level standards when provided with appropriate learning experiences and instruction. 34 CFR 300.306

1. Team considered student data from **2 of 3 sources**—assessment of standards and screening, or criterion referenced assessment —to determine a pattern of inadequate of performance. C.F.R. 300.309

2. Team determined child received adequate and appropriate instruction… C.F.R. 300.304-6
   - Evidence instruction followed details about delivery of evidence-based practices outlined in local plans

3. Team determined that instruction was effective for comparable peer groups. 34 CFR 300.309(a)(2)
   - Chart and graph data demonstrate the effectiveness of instruction for relative peer group

Note: This is not training–it is intended to promote discussion and feedback to MDE

Do These Points of Pain and Need Resonate?

Criteria A:

- Who is preparing and sharing data from MTSS improvement cycles and how is that part of evaluation team decisions? Refers back to MTSS Data Guide Appendix D and E
- We do not have shared understanding of assessment of standards for individual decision making—MCA, curricular benchmarks, curricular objectives tied to assessments of performance level descriptors (PLDs)?
- We are building and refining screening systems and data (Sensitivity and Specificity, predictive validity or consequential validity)
- We are re-selecting and exploring criterion reference assessments– which ones will be supportive?

District and School Process

Is the system of interventions intentionally designed to promote progress and accelerate student growth?

↓

Are the interventions evidence-based and intensified such that a lack of progress is unusual?

↓

Are the intensified interventions delivered with fidelity?

↓

Are interventions producing replicable results over time and sustainable?

↓

Are comparable groups receiving the intervention achieving success?

MTSS Data Guidebook Appendix E Supports Leadership Improvement Efforts in Tiered Interventions and Progess Monitoring

Appendix E

Inquiries to Guide Data-Based Decision Making

General Questions for Teams About Performance Evaluation

- What is the discrepancy between current performance and our expected performance relative to academic, behavior, school climate, parent engagement and/or social-emotional goals?
- What is the discrepancy between current rate of improvement and our criteria for expected rate of improvement?

Schoolwide (or Districtwide) Current Performance Questions for the School Leadership Team

- Are Tier 2 & 3 programming having the desired effect?
- What does our progress monitoring data reveal?
- How equitable is our system? Is every student group equitably benefiting from current programming and instruction?
- Are opportunity and outcome gaps closing or do some groups continue to show disparities in educational opportunity and achievement?

Classroom Current Performance Questions for Grade Level or Subject Area Teams (e.g., professional learning communities)

- Are tier 2 interventions having the desired effect?
- Are students receiving interventions making adequate progress?

Intervention Team Current Performance Questions for Individual Students or Small Group Support Questions

- Is this student(s) meeting grade-level expectations (e.g., at benchmark on screening measures)?
- Is this student(s) making adequate progress?
- Are interventions having the desired effect?

Root Cause Analysis

Recommendations and Implications for Criteria B

The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified when **provided** with scientific research-based **general education instruction and interventions** that are aligned with the **specific need,** of **research-based dosage** and **have implementation fidelity**.

Evidence considered must meet 1 **and** 2 **or** 3 and be shared with parents

1. Progress presented with graphs showing beginning and ending, rate of growth, expected rate of growth, points of adjustment to intervention, **and**
2. The child's rate of progress is lower than expected compared to peers, **or**
3. Conditions are such that the student requires special education to make progress:
   - ❖ Interventions need to be intensified (6 conditions) and exceed what is reasonable for general ed and intervention to maintain progress
   - ❖ Rate of progress not sustained if interventions are faded or discontinued

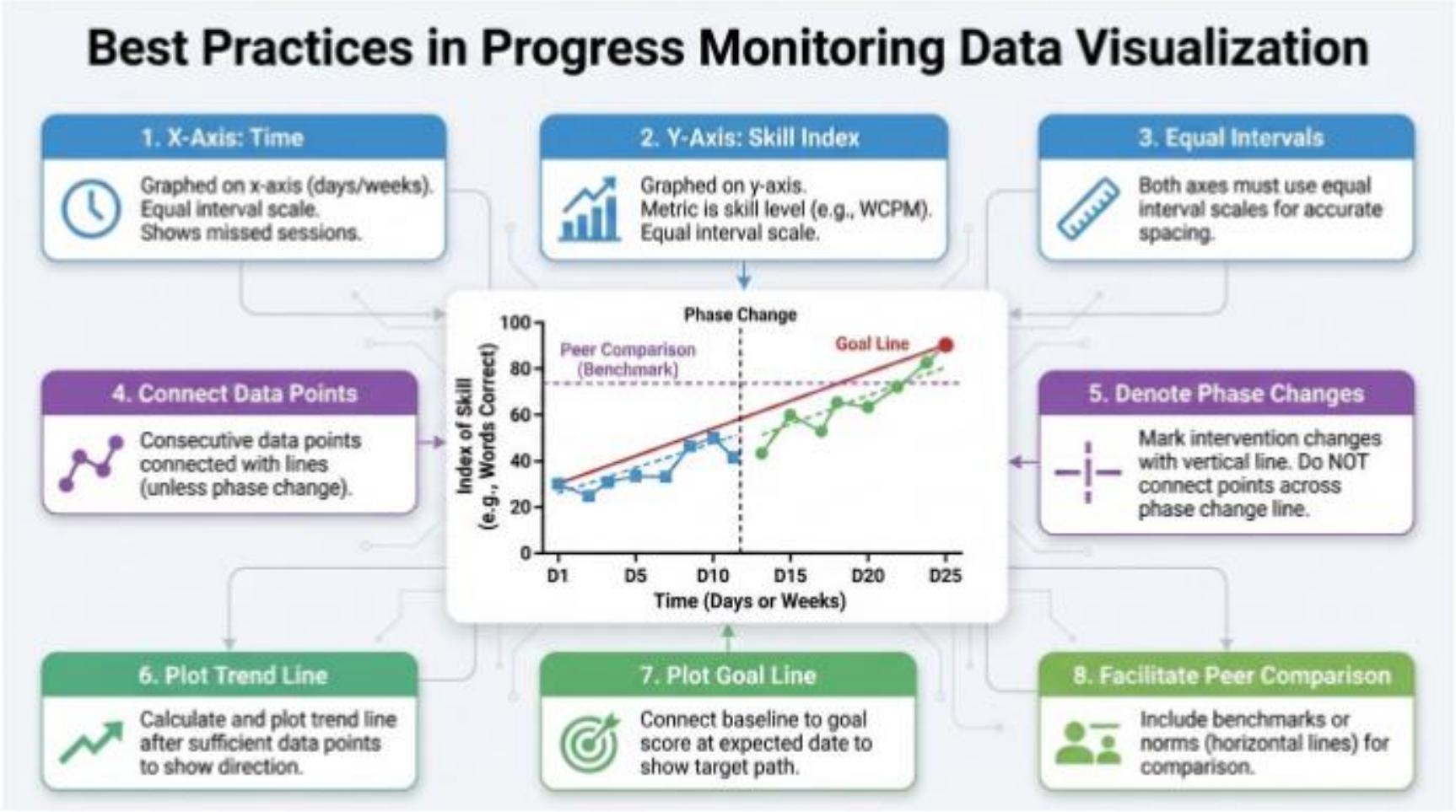
How are selection decisions made? How do we coach teams?

Progress Monitoring Data Visualization Checklist

- ✓ Time is graphed on the x-axis, measured in days or weeks of instruction (not session number).
- ✓ Index of skill is graphed on the y-axis.
- ✓ The scale of both x- and y-axes are equal interval.
- ✓ Consecutive data points are connected with lines.
- ✓ Phase changes must be denoted, and phase-related changes in performance must be captured.
- ✓ A trend line is plotted.
- ✓ A goal line is plotted.
- ✓ **Peer comparison is facilitated.**

Next phase of study with partner districts

Best Practices in Data Visualization



Create QR code
[Deliverable 1A: Best Practices in PM Data Visualization - Google Docs]

What does it mean to match intervention based on the data?

Haring, N. G., & Eaton, M. D. (1978). Systematic instructional procedures: An instructional hierarchy. In Haring, Lovitt, Eaton, & Hansen (Eds.), The fourth R: Research in the classroom. Charles E. Merrill. | VanDerHeyden, A., & Burns, M. K. (2023). The instructional hierarchy: Connecting student learning and instruction. Perspectives on Language & Literacy, 49(1), 10–13. | National Center on Intensive Intervention. (2025). Using the learning hierarchy to intensify intervention. | ND Science of Reading — Instructional Hierarchy

Seven Dimensions at a Glance

Strength 1

Does evidence suggest that this intervention is expected to lead to improved outcomes in the identified area of need?

Dosage 2

Will the group size, duration, structure, and frequency provide sufficient opportunities for students to respond and receive corrective feedback?

Alignment 3

Does the intervention match the student's identified needs?

Attention to Transfer 4

Does the intervention assist the student in generalizing target skills to skills learned in other contexts and environments?

Comprehensive-ness 5

Does the intervention include features of explicit instruction?

Behavioral or Academic Support 6

Does the student have opportunities to develop the behavior skills necessary to be successful?

Individualiz-ation 7

Can the intervention be individualized with a data-based process to meet student needs?

Instructional Hierarchy and Progress Decisions: Acquisition

ASK YOURSELF…

Is my student's accuracy low or inconsistent? Are errors frequent, unpredictable, or does my student need modeling to attempt the skill at all?

Phase 1

Acquisition

The student is learning the skill for the first time. They do not yet performing accurately without support. The goal is correctness not speed.

Core Definition:

- ✓ Accuracy below 85% at the end of the session.
- ✓ Student does not recall with accuracy the next day
- ✓ Errors are frequent, random, or not logical
- ✓ Student requires modeling, think-alouds, scaffolds and visual support.

Critical Instructional Strategies:

Explicit instruction — modeling, examples & non-examples, visual & verbal prompts, guided & prompted support during deliberate practice, practice options sequenced from simple to complex (task analysis).

→ ***Move to Fluency when: student responds accurately***

Instructional match is most critical and greatest weakness in planning intervention.

Instructional Hierarchy and Progress Decisions-Fluency

ASK YOURSELF...

Is my student accurate but slow or effortful? Do they need scaffolds or extra time to complete work they technically know how to do?

Phase 2

Fluency

The student can perform the skill correctly but has not yet reached automaticity or proficiency. High cognitive load limits application. The goal is accurate and efficient performance

Core Definition:

- ✓ Accuracy is adequate (85-95%+) but rate is below expected level.
- ✓ Completes work correctly with ample time but struggle under timed or applied conditions.
- ✓ Still relies on scaffolds, reference tools or cues to produce responses.
- ✓ Performance drops when skill is integrated into larger tasks (reading connected text, part of multi-step problem).

Critical Instructional Strategies:

Frequent and repeated practice with immediate performance feedback. Pull back on cues and supports. Sequence practice to increase discrimination and cognitive demand.

→ Move to Generalization when: student is accurate and automatic

Weakness in intervention planning is mis-match of skill being practiced, or teacher is not fading scaffolds.

Instructional Hierarchy and Progress Decisions: Generalization

ASK YOURSELF...

Is my student accurate and fast on deliberate and interleaved practice, but struggling when the skill appears in a different context or an unfamiliar problem across different topics?

Phase 3

Generalization

The student has the skill but cannot apply it flexibly. They know when to use it in familiar formats but not when conditions vary.

Core Definition:

- ✓Performs well on a single or deliberate practice but drops with mixed sets or in new context.
- ✓Struggles to identify which skill to use when problem or situation varies.
- ✓Performance does not transfer across settings, content, instructors, etc.
- ✓Skill fades or retention fades when not recently practiced.

Critical Instructional Strategies:

Fade cueing during mixed skills and integrated skills practice. Communicate expectations and provide contrast analysis during practice and reinforcement across contexts. Provide interleaved and spaced practice.

→ Move to Adaptation when: student applies skill accurately and automatically across varied contexts

Vulnerability is we stop teaching too soon.

Instructional Hierarchy and Progress Decisions: Adaptation

ASK YOURSELF...

Can my student use this skill independently in new situations — ones they have not encountered before — without prompting or scaffolding?

Phase 4

Adaptation

The student applies the skill independently in new and unfamiliar contexts. This is the highest phase—and the ultimate goal of instruction. Prior phases must all be secure

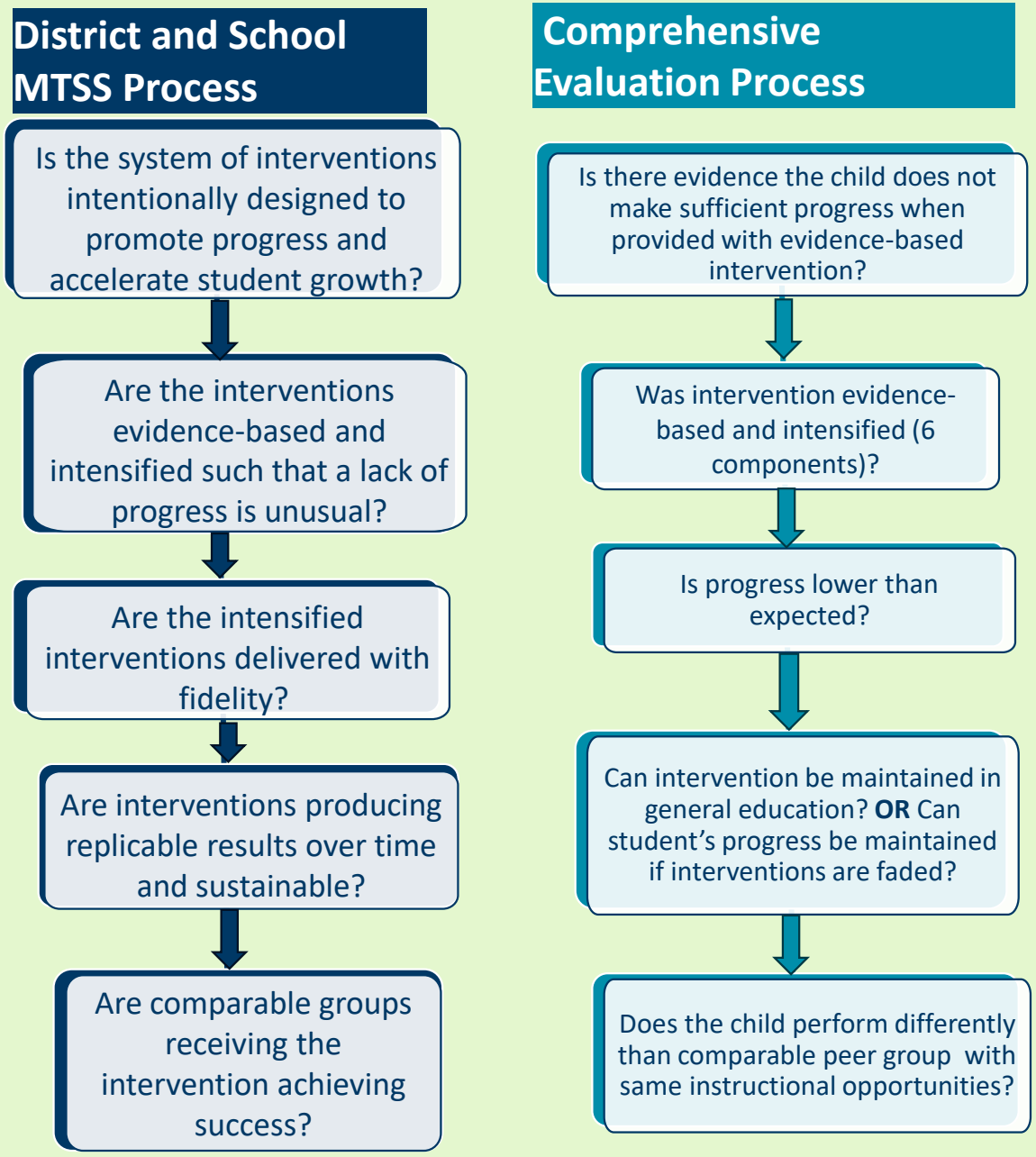
Core Definition:

- ✓Can apply skill without prompting, cues or guides
- ✓Can explain, modify and reason to extend the skill to fit unfamiliar demands
- ✓Can modify novel tasks and apply skill within a multistep process
- ✓Skill is maintained over time without continued practice or support.

Critical Instructional Strategies:

Problem solving tasks, novel applications—student drives the work and explanations of "how I know."

Goal of Instruction



Recommended Criteria: Part B Requires a Comparative Analysis

System. The TSES plan must describe the system of interventions provided to students before evaluation including how interventions are:

- selected to meaningfully alter the response for most students;
- aligned to student needs at each grade level;
- designed to follow six components for intensifying interventions (strength, dosage, alignment, attention to transfer, comprehensiveness, and behavioral support); and implemented with fidelity.

Eligibility.

Did the intensified, well designed and delivered interventions increase the students rate of growth?

Does the student's progress look comparably different than others receiving interventions?

Points of Pain and Need

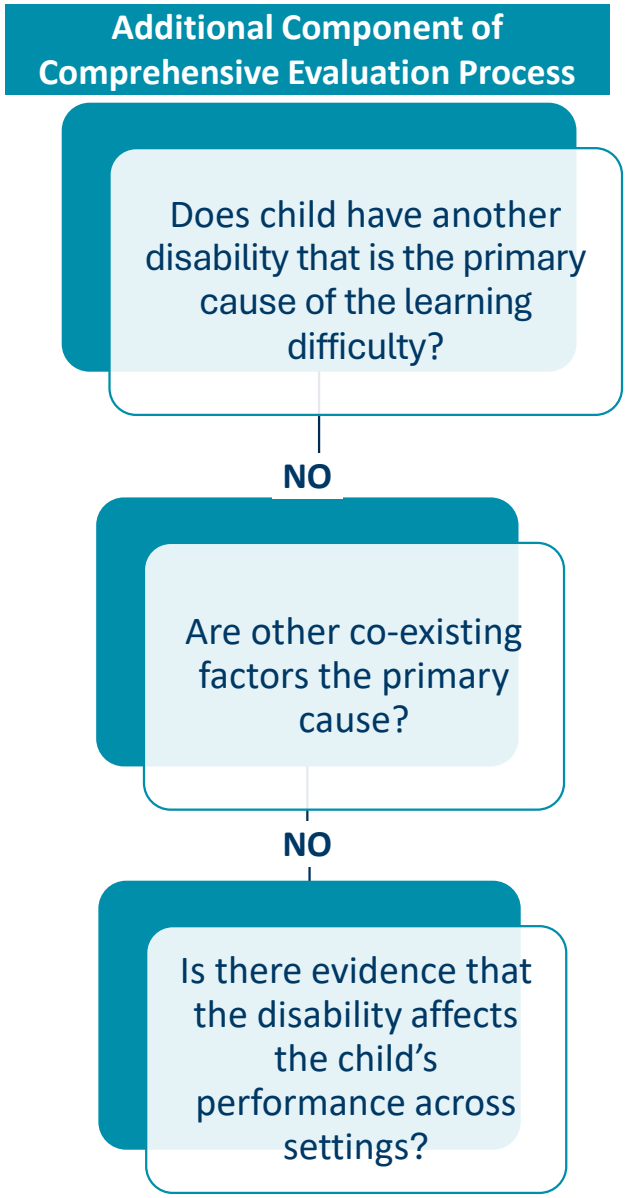
- **Ownership/Responsibility:** Creating common and aligned procedures, messages, expectations and consistency.
- **Implementation & Fidelity:** A key priority is **ensuring everyone is trained and supported** to implement PM **with fidelity**.
- **Capacity Constraints:** The biggest sticking point is **time/capacity to progress monitor**, especially when there are **no interventionists**; without them, teachers struggle to PM for all students receiving **Tier 2–3 interventions**.
- **Tools & Structure Gaps:** There is a noted need for **PM tools** (specifically for **math, writing, oral expression, and listening comprehension**) and concern about **lacking structure and tools** to conduct PM.
- **Data Use & Interpretation Questions:** We need to connect **graphs and intervention decisions**, including whether data show **convergence or refutation of need. **
- **What** counts as a **"peer"** or **relative peer group** for comparison is that narrative or graph.
  - Relative peer may be different than kids in the intervention. Which is more indicative of disability?
  - How many kids need to respond to the intervention to presume intervention is effective vs. intervention is not effective for kids (not an individual prob, instructional prob)?
- **Timeline Note:** A **30-day timeline** is referenced as a barrier; however, this presumes that there is no existing data and we may need to immediately include extension in PWN when we have no data to start. (will this be a compliance issue)

Poll

Check if a local vs MDE responsibility

Rank order which to solve first.

Recommended SLD Criteria Part C



Did the evaluation team collect and use data to determine the primary cause of the student's learning problem is an SLD? Did the team conduct a comprehensive evaluation?

1. Team considered data from a comprehensive evaluation to determine the child's learning problems are not attributable to another disability. 34 CFR 300.309(a)(1) and (2)
2. Team considered data from a comprehensive evaluation to determine other factors that co-exist are not the primary cause of the child's learning problem. 34 CFR 300.309(a)(1) and (2)
3. Team considered data from two or more observations to further support the child's eligibility. 34 CFR 300.306(a)(1)

Recommendations and Implications for Criteria C

- Explore the implications of **transitioning away from IQ** tests within comprehensive evaluation.
  - **IQ and measures of cognitive processing and executive function are not the same thing.**
  - **Data for intensifying instruction and validating proposed accommodations and modifications may still be valued by the team and are not the same as aptitude by treatment discussion.**
- The presence of co-existing conditions may aggregate risk and the need for special education.
- Exclusionary factors **may co-occur.**
  - **Include medical findings such as DSM diagnosis as supporting information.**

Process of Letting Go

Process for Collective Consideration

Data for Monitoring the Health and Functioning of the System (May be a requirement in TSES)

Systemic data for decision-making indicate students are provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards are provided in plain language using charts or graphs.

1. Data indicating the **effectiveness of instruction in the state-approved grade-level standards** at the district, school, or grade level,
2. Data may include but is not limited to MCA, ACCESS, benchmark assessments, standardized screeners or General Outcome Measures, etc.
3. Data indicating the **effectiveness of the intervention(s)**
    a) Group performance analytics
    b) Relative peer group analytics (when necessary to address exclusionary factors)

Feedback loops and improvement cycles

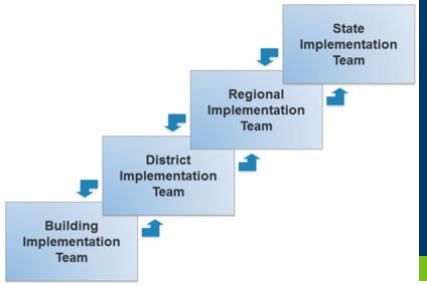
Point of Pain for Some of us: We lack a coherent system of teaming.

- Vertical teaming– logically connecting entry and exit points. One team picks up at same spot as last grades exit point.
- Horizontal teaming—working towards low variation in enacted curriculum to avoid unnecessary gaps and opportunities for practice.
- Tiered teams– focusing on intensification of additional instruction and supports to accelerate growth.

A

Districts Implementing Evidence-Based Practices and MTSS will Revisit Exploration

	Exploration		Installation		Initial Implementation		Full Implementation
Is about…	Anticipating the change		Adjusting to reality		Progress and regeneration		Efficiencies, adaptations, and scaling
Implementation Team Partnerships Internal Staff Community	Selection with intention Roles, functions, and data Support and engagement Perspectives and Expectations		Adjusting who Clarifying gaps and functions Pacing and intentions Communicating commitment and progress to be made Removing barriers		Onboarding new Adjusting the level of engagement Lessons learned Improvements Progress toward goals		Adapting and adjusting for scale Regenerating and improving Sharing Results and efficiencies



Create Feedback Loops Between Teams

	Grade Level Teams	Intervention Teams	Sped Eval Teams Managing the Change	School Improvement Teams	District Level Teams
Functional Goal	Progress of all students in a grade level standards	Closing gaps in targeted skill(s)	Access and progress in standards	Close gaps in achievement	Support practitioners
Data used for instruction and performance					
Autonomy for decisions	Decides…				
Dependency for decisions	Does not decide….				
Communicates barriers and solutions to					

P

Now what are Your Feelings about Changing SLD Eligibility Criteria?

A. Dread—queasy

B. Indifferent—neutral

C. Curious—tentatively optimistic

D. Anticipation—positive expectations

Thank you.

Angie Scott

angela.scott@state.mn.us

Vicki Weinberg

vicki.weinberg@state.mn.us

Patty Popp

patty.c.popp@state.mn.us