

Bethel University

Spark

All Electronic Theses and Dissertations

2021

The Benefits of Response to Intervention (RTI) Versus the Significant Discrepancy Model in Identifying Students Through Child Find With Specific Learning Disabilities

Stephanie C. Shun
Bethel University

Follow this and additional works at: <https://spark.bethel.edu/etd>

Recommended Citation

Shun, S. C. (2021). *The Benefits of Response to Intervention (RTI) Versus the Significant Discrepancy Model in Identifying Students Through Child Find With Specific Learning Disabilities* [Master's thesis, Bethel University]. Spark Repository. <https://spark.bethel.edu/etd/718>

This Master's thesis is brought to you for free and open access by Spark. It has been accepted for inclusion in All Electronic Theses and Dissertations by an authorized administrator of Spark.

**THE BENEFITS OF RESPONSE TO INTERVENTION (RTI) VERSUS THE
SIGNIFICANT DISCREPANCY MODEL IN IDENTIFYING STUDENTS THROUGH
CHILD FIND WITH SPECIFIC LEARNING DISABILITIES**

**A MASTER'S THESIS
SUBMITTED TO THE FACULTY
OF BETHEL UNIVERSITY**

**BY
STEPHANIE SHUN**

**IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF ARTS**

AUGUST 2021

**THE BENEFITS OF RESPONSE TO INTERVENTION (RTI) VERSUS THE
SIGNIFICANT DISCREPANCY MODEL IN IDENTIFYING STUDENTS THROUGH
CHILD FIND WITH SPECIFIC LEARNING DISABILITIES**

A MASTER'S THESIS

SUBMITTED TO THE FACULTY

OF BETHEL UNIVERSITY

BY

STEPHANIE SHUN

APPROVED:

ADVISOR: CHARLES S. STRAND, ED.S.

PROGRAM DIRECTOR: KATIE BONAWITZ, ED.D.

AUGUST 2021

Acknowledgments

The journey towards in-depth professional investigation, reflection, and application is significant for any individual who seeks graduate level publication in their field. The perseverance to pursue and most importantly complete the journey is compounded by individual variables. Through-out the process of thesis writing, I was impacted by financial, health, and circumstantial barriers including career change and growth, 5 moves within 5 years, 4 major surgeries, a stage 3 cancer diagnosis, and entrance into a doctoral program. In addition to these variables, I am happily married and a mother to 5 boys. The impact on my family is significant, but their abundant support has given me the courage to persevere in the thesis process, even when the process seemed impossible. To my oldest son Avery, thank you for sitting with me while I write, and inspiring me to continue to pursue understanding in my field. To Keifer, my second oldest son, your kindness is food for my soul. To Eli, my middle child, you have been flexible with your needs and graceful when I was not able to be at all of your games. To Joseph, my 4th son, you bring great joy; Thank you for bringing me endless soft blankets. To Calvin, my youngest son, thank you for bringing me food and caffeine to help me stay focused. To my husband, your love and encouragement has blessed me beyond measure.

Bethel University, you have supported me first as a person, and secondly as a student. Dr. Susan Schwope, you gave me a gift of tangible measurement, but also the courage to move onward. You have gone beyond reasonable expectations, demonstrating core biblical character. You have nurtured my faith and academic development. Professor Charles Strand, you stood ready to support me at all times. When I continued the process, your quick responses, and encouragement enabled me to grow through the thesis writing process. Thank you for your strong advisory gift.

Abstract

Special Education practices continue to evolve and improve over time. Disability law and legislation work to support improved practices with amendments to Individuals Disability Education Improvement Act, IDEA and higher court rulings that set precedent for compliance to disability law to serve individuals impacted. Clarity on legal obligation and best practices continues to be a need in regard to the Child Find law. Child Find is an obligation under IDEA that requires school districts to identify and evaluate students with reasonable suspicion of a disability that is impacting their ability to make progress educationally. States must define practices regarding the evaluation and qualification expectation of practice. Although there is more than a dozen recognized categories of educational disabilities, a specific learning disability continues to challenge Child Find obligations with discrepancy on how an individual may qualify within this educational disability category. For the identification of a specific learning disability, states must define how they will utilize a multi-tiered system including Response to Intervention (RTI) with or without the severe discrepancy model. Prior to the 2004 IDEA amendment, multi-disciplinary teams primarily relied on the severe discrepancy model as a primary factor of consideration for identifying a specific learning disability. Therefore, this thesis has been written to discuss benefits of Response to Intervention (RTI) practices versus Discrepancy model in identification of students who may have a Specific Learning Disability.

Table of Contents

Title Page	1
Signature Page	2
Acknowledgments	3
Abstract	4
Table of Contents	5
Chapter I: Introduction	7
Individuals Disabilities Education Act	7
Researcher's Perspective	10
Thesis Question	12
Chapter II: Literature Review	13
Discrepancy Model	13
Reducing Disproportionality in Identification	16
Response to Intervention, RTI	18
Positive Behavior Intervention and Supports, PBIS	21
Multi-Tiered System of Supports, MTSS	23
Child Find Obligation	25
Special Education Law Review	27
Harmonizing Child Find with the Discrepancy Model and RTI	30
Chapter III: Discussion and Conclusion	33
Summary of Literature	33
Limitations of Research	34
Implication of Future Research	35

Professional Application	36
Conclusion	37
References	38

Chapter I: Introduction

Individuals Disabilities Education Act

Child Find is part of the legal requirement under the Individuals with Disabilities Education Act (IDEA) legislation. This portion of legislation is complicated in navigation because the interpretation of due process navigates fluidly as if it was part of a flow chart, as opposed to a strict linear response. Ultimately, the expectation is that when there is consideration of a reasonable suspicion that a child has a disability, the district needs to respond within a reasonable time period. Although Child Find, aka Child Study, specifically addresses the practice of identification and evaluation, the historical conclusion of whether or not a violation of law has occurred can only be determined after the completion of an educational evaluation. If a child does not meet the criteria for demonstrating a need for services related to a disability, then ultimately the conclusion of a violation in the responsibility cannot occur. The rather brief provisions for Child Find in the IDEA legislation (§ 1412[a][3][A]) and regulations (§ 300.111) are largely limited to the historical obligation to “locate, identify, and evaluate” students with disabilities. The irony is that the intention of the law is to ensure that schools respond proactively to student needs, but the violation can only be determined in a reactive manner.

According to the law, the obligation of a school begins with a reasonable suspicion that a child may meet the criteria for eligibility. According to IDEA, “...(a) triggering this obligation upon reasonable suspicion that the child may meet the criteria for eligibility under the IDEA and (b) completing this obligation within a reasonable period of time” (p. 371). School districts demonstrate significant discrepancy when determining how to identify the threshold of reasonable suspicion. This is furthermore complicated in how eligibility determinations are made for students with a specific learning disability. There is a potential conflict in professional

expectations that contributes to confusion in evaluation; The expectation for adhering to a least restrictive environment, and the duty to not delay evaluation for a student with a suspected disability. When using a traditional regression model in an evaluation, a team determines whether or not there is significant discrepancy between a student's cognitive ability and their academic performance. Although there are limitations with this model, it often can be used and executed by a team without delay. In the immediate moment a team suspects a disability, a team can move to evaluation without potential delay. However, it also potentially leads to determining a qualification within a snapshot of learning and servicing a student unnecessarily in special education could result in a violation of the Least Restrictive Environment (LRE). The least restrictive environment requires that students engage with general education peers and environments to the greatest extent possible in order to make adequate educational progress (Cikili, Yahya & Karaca, 2019). In order to maintain a least restrictive environment while also considering student's needs, RTI, or Response to Intervention, involves a tiered intervention process that promotes interventions for all students while determining students who exhibit performance deficits in line with a student with a disability. A significant potential risk for relying on the RTI model is that it can lead to a delay in special education evaluation, thus violating the portion of Child Find which calls for identification and evaluation within a reasonable amount of time.

Many schools participate in an organized consideration process in which they work to support students who appear to not make adequate educational progress. The challenge to this process is that learning is frequently not a linear process. What appears to be a deficit in learning for an individual may be the result of normal learning or the deficit may have resulted from a variable unrelated to a disability. For example, if a student has experienced a gap in attendance

or a significant life change, their learning may have been temporarily disrupted. However, if they do not have a disability they likely have the ability to close the deficit or gap in learning with a scientifically research-based intervention. In general, there is a common practice to seek an intervention for a child prior to an educational evaluation to determine if a disability is present and significantly impacting educational progress. In part, this is good practice to potentially limit an overidentification of students with disabilities. If a student can recuperate lost knowledge or close a gap in learning with an intervention, it is possible that they do not need an evaluation. However, there is a risk to this cycle. In some situations, the amount of time it takes to identify a student demonstrates a deficit, determine 1 or more scientifically research-based interventions, and complete the interventions with fidelity, contributes to a delay in evaluation. This can lead to a violation of the second factor of Child Find which includes responding within a reasonable amount of time. Understanding a case study of a child can contribute to the understanding of the delicate balance of Child Find in *identifying* a reasonable suspicion of a child with a disability and completing an educational evaluation within a *reasonable time* frame.

Although students can qualify in several disability categories, one can hypothesize that obligations to Child Find more commonly fails with students having a specific learning disability. Child find is a part of the Federal IDEA Act (aka law), States define a learning disability with variable but similar criteria. In Minnesota, a Specific Learning Disability (SLD) is defined by the Minnesota Department of Education (2021) as:

Minnesota has two options for determining eligibility for special education services. The first option is use of data determining below grade-level performance, lack of response to well-designed interventions and a weakness in a basic psychological process that is consistent with low achievement. Some may refer to this as lack of response to

intervention or identification through a Multi-tiered System of Supports (MTSS).

Districts do not have to apply or be approved to use eligibility criteria under a MTSS system; however, they must document their process in the Total Special Education System (for more information, see Minnesota Rules, part 3525.1341, subpart 4). Many schools maintain use of discrepancy criteria for instances where data and application of an MTSS system are not in place and implemented with fidelity. Districts are not required to report which criteria they are using for eligibility; however, in a survey of 1,500 schools across the state, only 20% of them report fully implementing MTSS (2018 MTSS survey results).

Researcher's Perspective

From this writer's experience as a member of a Child Find team, a common identification window occurs with students in third grade because of natural precipitating factors. Students can qualify in any grade in which they meet the criteria for eligibility. For understanding of one school's process, let's consider a fictional case involving a 3rd grade student with suspected learning disabilities identified by a classroom teacher. In September, a 3rd grade classroom teacher might notice a specific student scoring low on their beginning of the year assessment. A seasoned teacher understands that some students show more initial regression at the beginning of an academic school year, or they might respond to assessment negatively which may contribute to a less valid report. The teacher continues with review and instruction until October, and then collects additional data showing that a student is not recouping content or making aggressive growth. At this point a teacher might reach out to a school team to consider specific interventions for the student. Unfortunately, the first available slot does not fall until mid-November. In November a 3rd assessment shows a continued concern, but with a Child Study (aka Child Find)

team meeting around the corner the teacher waits. The Mid-November team meetings occur, and they recommend a scientifically research-based intervention for a teacher to implement with the child. The intervention is set to last for 6 academic weeks, but with Thanksgiving and Winter break the team does not meet again until mid-January to discuss the results of the intervention. At the mid-January meeting it is unclear if the intervention was impacted by “breaks in service”, so the team suggested the teacher continue for 2 more weeks. By February, the team meets again acknowledging that the intervention did not work so they recommend a 2nd scientifically research-based intervention for 8 weeks. The 8-week intervention ends near the mid-April because of Spring Break this time. The team meets at the end of April and determines that they suspect a disability because the data from 2 interventions have not yielded aggressive growth. Depending on the timing or team, the student may now be referred to the Special Education Team for them to review the data and consider proposing an evaluation for the student. A strong and efficient team might recommend an initial special education evaluation. However, with the development of a strong evaluation plan, and then waiting on a parent/guardian consent it is possible that the evaluation is pushed off to the next academic year. By this point a full academic year may have passed. Although the school/ district was aware and engaged through-out the year, it is possible that they have failed in the Child Find process. If the student happens to have compounding risk factors like attendance challenges, status as an English Learner, or maybe the family moves often, the risk of failing in Child Find increases exponentially. If this student were to switch school districts over the summer, there may also be a risk for a continued delay. This is of course depending on the fidelity of record keeping and sharing between district and educational teams.

Thesis Question

What are the benefits of applying Child Find & Response to Intervention Strategies versus using the Severe Discrepancy Model of identifying students who may have a specific learning disability?

Chapter II: Literature Review

This literature review was comprehensive in nature, and unique in the manner that the review of content exceeded standard academic peer reviewed journals and texts. The content of this review came from primarily accessing academic resources through the Bethel University Library, search engines including ERIC, EBSCO host, and electronic copies of books. In addition to these traditional sources, Federal Regulation and Laws were reviewed, most notably IDEA. To support the current local and federal practices disability resources were referenced from the Minnesota Department of Education, and nationally accredited advocacy groups. The simple visuals were taken from common practice content and developed by this researcher in order to illustrate the synthesis of multiple authors' work.

Discrepancy Model

One of the most common methods used to determine eligibility for special education services because of a specific learning disability, is the use of the IQ-achievement severe discrepancy model. The Eligibility criteria varies from state to state, but there is a common understanding that if significant discrepancy between intellectual ability and academic achievement can be determined, the likelihood of a specific learning disability is high. Most states utilize criterion that involves four criteria when determining SLD eligibility: (a) establishing a significant discrepancy between intellectual/cognitive ability and academic achievement, (b) identifying the presence of a psychological/ cognitive processing deficit, (c) determining whether or not adequate academic progress can be made without direct support with special education and related services, and (d) exclusionary considerations (Restori et al., 2008).

The discrepancy does not need to be across multiple content areas. In fact, oftentimes a student only demonstrates a discrepancy in limited areas. For example, a student may

demonstrate a significant discrepancy in math calculation and reasoning while not showing a discrepancy in reading. Prior to 1977, the use of the discrepancy model was not common. The Education for All Handicapped Children Act (1975; renamed the Individual with Disabilities Education Act [IDEA] in 1990) did not require the assessment of intelligence or psychological processing for determining eligibility of SLD. One of the advantages to using the discrepancy model is that it provides a construct for common assessment practices. When MDT (multi-disciplinary teams) need to understand and collaborate on interpretation of data, using common assessment and reporting strategies enables stronger collaboration practices on a statewide or even national basis.

The discrepancy model is not without limitations. To start with, early identification is limited when using the discrepancy model. Even if a student shows signs of low-achievement in early academics, the discrepancy model requires a significant discrepancy that is not necessarily apparent until mid-elementary (approximately 3rd-4th grade) years. This “wait to fail” method potentially limits access to necessary intervention and instruction. Additionally, there is a question to the scientific validity to using the discrepancy model in isolation for determining a specific learning disability. The qualification heavily relies on the results of a singular intellectual assessment to determine a discrepancy. Because of the time it takes to complete a comprehensive assessment, assessments are rarely repeated more often than every few years. In part, repeat assessments are not completed because students will potentially miss out on valuable instruction time to participate in a special education evaluation. Significant instructional absence poses a risk of harm with academic performance gaps unintentionally created in addition to an already academic low-performance identified for a student. Also, low achievement is a correlation to a learning disability, “the correlation between measures of cognitive ability and

academic achievement rarely exceeds .60, thereby accounting for only 36% of shared variance” (Restori et al., 2008, p. 70). In any data analysis the consideration of correlation versus causation is relevant. With close to only $\frac{1}{3}$ of students classified with low achievement meeting the qualifying discrepancy, multi-disciplinary teams (MDT) should strongly consider whether or not the correlation between intellectual scores and academic achievement gap(s) is cause for justifying a learning disability. Additionally, if the discrepancy model is unable to provide justification for support based on a learning disability, then how will most students with low achievement receive the needed support for academic success?

Several variables contribute to the limited number of students identified with low achievement qualifying for special education with the interpretation that a specific learning disability is present. As mentioned before, in the consideration of a learning disability categorization there are exclusionary factors. The exclusionary factors vary from concrete exclusions including low intellectual scores falling at or below 75, to additional perceptual or factors requiring interpretation. Intellectual scores at or below 75 exclude students from being identified with a learning disability because the cause of low achievement is potentially an intellectual disability as opposed to a learning disability. An intellectual disability differs from a learning disability in the anticipated ability to make average grade level academic growth. Most educators are hesitant to define an individual's inability to make adequate educational progress as it foundationally defies the general educator principles that all students are capable of learning. More specifically, there is confusion of whether or not our cohesive expectation is for students to meet grade level standards as indicated in the No Child Left Behind Act (NCLB), or expect students to progress in line with their individual aptitude. Should we anticipate that a student scoring in the low average range of intellectual ability meets the same academic benchmarks as a

student scoring in the high average range? If our expectations of student outcomes and achievement is based on a singular ability score, do we risk making the wrong assumption that a child cannot meet academic markers? A risky slippery slope of low-expectation and thus potentially lower educational effort can exist when singular assessment scores shape teacher efficacy about student ability to make sufficient academic progress.

Educators know that some populations of students are more likely to be considered for a learning disability including students of color, students of lower socioeconomic backgrounds and english learners (National Center for Learning Disabilities, 2020). “According to the National Survey of Children’s Health, children living at or below the federal poverty level are more than twice as likely to be identified with specific learning disabilities (SLD) as children in households with income four times the poverty level” (Schifter et al., 2019, p. 8).

The disproportionality has been recognized with assessments and academic policies, but districts continue to fight bias and perceptual interpretive errors. With professional understanding that as few as a $\frac{1}{3}$ of low-achieving students qualify for special education with a learning disability, additional consideration of how to respond to and support is relevant in order to support students in need.

Reducing Disproportionality in Identification

Despite the method of identification (RTI or Discrepancy Model), there is a continued “significant disproportionality” in identification and placement of students. Significant disproportionality is a term that is used to “describe the widespread trend of students of certain racial and ethnic groups being identified for special education, [and] placed in more restrictive educational settings...” (NCLD, 2020, p. 1). Overrepresentation of students of color in special

education is the most common pattern discussed in disproportionality. Some researchers argue that the disparity in representation exists because students of color experience a higher rate of disability. In the United States there is also a high correlation to race and income. Poverty also correlates to higher risk factors of disability including low birth rate and exposure to environmental harmful factors like exposure to lead. Additionally negative adverse childhood experiences are more prevalent including economic hardship, divorce or separated parents, death of a family member, relative or parent experiencing incarceration, witnessing domestic or neighborhood violence, living with someone experiencing mental illness or a drug and alcohol problem, or being treated unfairly due to race or ethnicity. Research by Grindal et al., 2019, acknowledged that both race and socioeconomic background contribute to disparities, it is not sufficient to explain patterns of over-identification in special education. When students were compared within the same income bracket, black and Hispanic students are more likely to be identified for special education when compared to white students within the same income bracket. This was true for both low- and high-income brackets. In fact, black students from non-low-income backgrounds were twice as likely to be identified with a disability when compared to white students in non-low-income backgrounds. In 2016 the Obama administration proposed new rules to IDEA -the Equity in IDEA Regulations- which noted that “the evaluation process for students with SLD requires schools to determine that the learning problem is not “primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disturbance, *or of environmental, cultural, or economic disadvantage*”(IDEA, 20 U.S.C. § 602, 2004). Although the Obama administration passed new rules in 2017, the equity in IDEA regulations implementation was delayed, and is still in the very early stages of implementation and enforcement.

Additional disparities have been identified in the placement of students with disabilities in more restrictive environments. IDEA mandates that students with disabilities must be educated in the least restrictive environment (LRE). This means that students with disabilities should receive instruction in general education with their non-disabled peers to the greatest extent possible. Inclusion practices (students with disabilities are taught with peers in the general classroom) contribute to higher test scores and graduation rates of students with disabilities. Unfortunately, data shows that “while 55% of white students spend 80% or more of their day in general education, only 33% of black students spend 80% or more of their day in general education” (NCLD, 2020, p. 5). Discrepant placement decisions that segregate students contribute to the achievement gap.

Significant disproportionality harms students and exacerbates both existing and future inequalities in society. On a local level, states and districts need to be aware of cultural inequities. Education and transparency about cultural bias will contribute to more positive outcomes in reducing the disparity. Also, increasing the diversity within teacher populations supports representation and positive outcomes in schools. Unfortunately, teachers continue to be disproportionately white, but proactively addressing the issue at the local and national level will contribute to diversity inclusion. On the national level, advocating for continued change in policy is important. Currently, additional legislation has been introduced including the 2020 Counseling Not Criminalization in Schools Act (S. 4360 116th Cong., 2020), which prohibits the use of federal funds to staff police officers within the school but supports funding towards counseling and social workers.

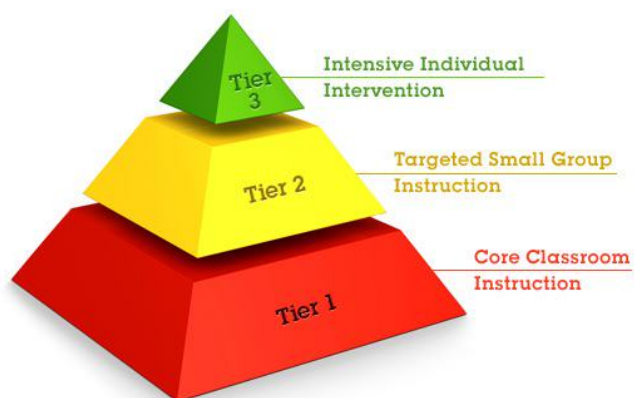
Response to Intervention, RTI

Response to Intervention is a systematic tiered intervention that shifts based on student needs often identified through the use of a universal screener and progress. The image shown is the traditional visual representation, although some experts prefer the image upside down.

Within RTI there are three instructional tiers. At the base of the image shown, Tier 1 instruction occurs with all students. It is classroom instruction using research-based methods and is supported by a universal screener used no less than 3 times per year (Whitten, et al., 2009). Tier 1 instruction is successful for roughly 80% of students and emphasizes strong instructional and data keeping practices through a universal screener to assess individual student progress. Tier 2 instruction is supplemental instruction that occurs within small groups. It is still research-based, and it targets students' specific strengths and needs. Progress monitoring for students receiving Tier 2 instruction/intervention helps to determine whether or not the Tier 2 intervention was successful. Approximately 15% of students require Tier 2 instruction in order to be successful. Tier 2 instruction is used for at-risk students who are unable to meet adequate academic progress in a Tier 1 instruction, and it is also highly efficient with rapid response. Tier 3 instruction/intervention is intensive intervention specifically designed for individual students. Frequent progress monitoring is critical. Tier 3 supports roughly 5% of students who did not make adequate progress in a tier 1 or 2 intervention. Tier 3 instruction is where students with a

disability impacting them educationally fall in the realm of instructional need. A long duration of high intensity should be anticipated with students receiving tier 3 instruction.

Congress passed the Individuals with Disabilities Education *Improvement* Act in



3 Tiers of Support

December of 2004 (IDEIA, 2004). The update to

IDEA permitted local education agencies to use a

Response-to-Intervention (RTI) approach for

identifying children with possible learning

disabilities for special education. RTI evolved into

a more standard practice following the 2004

reauthorization of IDEA, which in part challenged

the common practice of relying on the discrepancy model and recognizes alternative methods to

identify students with specific learning disabilities. RTI can fall into some common

misconceptions, especially because the majority of reflection and research has come from the

special education community even though the system is not based in special education. One

common misconception of RTI is that it is an organized sorting system to identify students with

true learning disabilities; Nor should RTI ignore potential or known disabilities (Ikeda, 2012).

Ultimately RTI should contribute to the allocation of resources throughout the educational

system.

RTI also has faced scrutiny regarding potentially conflicting mandates between IDEA and the No Child Left Behind Act (NCLB). Daves and Walker (2012) argued that RTI should not be recognized as a product, or a noun because it is a series of strategies including screening, developing interventions, progress monitoring, and then responding with informed decision-making practices personalized to the individual. The intervention responses work across time with engagement from both the student and the instructor. Although this investigation primarily considers the role of RTI practices in the identification of students with a specific learning disability, one of the primary roles for RTI is to limit academic failure for all students. Considering RTI with the reduction of academic failure for all students, it also closely aligns with NCLB. The terminology “scientifically researched based” is broadly attributed to RTI, however this researcher suggests that the original intent of the scientifically research-based practices within RTI was to support early intervention services. The NCLB Act uses the term “scientifically research based” more than 100 times, and it defines the term, “research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs” (Daves & Walker, 2012, p. 69). The NCLB does not specify *intervention* with terminology “scientifically research based”. The NCLB principles can apply in IDEA, but the IDEA is focused on a disability mind-set, and the NCLB Act is focused on all children learning at grade level and being assessed accordingly. Confusion between IDEA and NCLB occurs in part because IDEA is designed with the individual in mind, and the NCLB is designed so that all children can (and must) perform equally by third grade with school readiness support. RTI should be a part of early childhood intervention which is mandated by NCLB. RTI can be used to support the identification of students with a specific learning disability, but school districts should use caution that they are

not delaying or denying evaluation or special education direct services that are protected by IDEA.

PBIS

An amendment to IDEA in 1997 included language about “Positive Behavior Intervention and Supports” (PBIS). The concept of PBIS is rooted in further understanding that in the presence of a deficit skill, instructional supports and strategies reduce or eliminate the deficit skill. However, in regards to behavior skill deficit, the response was more notably punishment. Although punishment might serve a role in some behavior modification theory, the amendment acknowledges a need to respond to a need with instruction as opposed to punishment. In response to the amendment, the educational community has increased research efforts in developing PBIS. “PBIS seeks to reduce or eliminate poor behavior school wide through the encouragement of positive behaviors” (PBIS, 2020). The overarching goal of PBIS is to improve school culture. A shift in school culture can start with a focused shift towards positive change that ultimately impacts total functioning.

Although behavior is often categorized with separate consideration to the academic evaluation regarding a specific learning disability and RTI, it is relevant to comprehensively consider the full individual. PBIS is similar to RTI in functioning as a multi-tiered system. The 3-Tier system of anticipated intervention and service is similar, with Tier 1 supporting 80% of students, Tier 2 supporting roughly 15% of students, and Tier 3 supporting only 5% of students. There is foundational psychological theory that supports recognizing the impact of performance of an individual based on all impacting variables.

The Association for Supervision and Curriculum Development d/b/a ASCD has a whole child approach framework that was developed on the principals of Abraham Maslow’s hierarchy

of needs. “At its core, a Whole Child education is one in which students are healthy, safe, engaged, supported, and challenged” (Griffith & Slade, 2018, p.36). The whole child approach not only considers a scope of tiered support, but it also emphasizes the multi-dimensional factors that contribute to learning. Maslow is known for developing a hierarchy of needs. The image

provided from Simple Psychology shows

the progression of functional learning

based on human needs. A review of

Maslow’s theory notes that not every

level needs to be fully met to progress,

moreover the model serves as an

understanding that humans functional



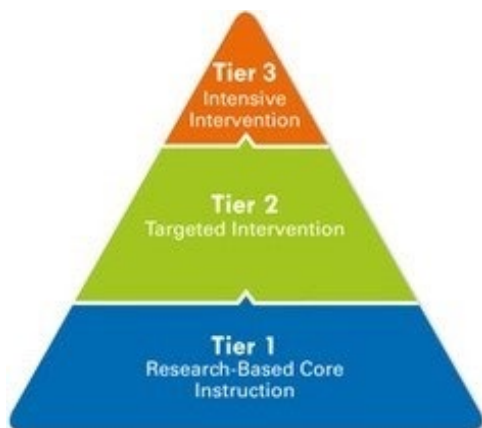
(Simple Psychology, 2021)

achievement progresses following their deficit needs being met first, followed by their psychological needs, and finally their self-fulfillment needs (McLeod, 2020). Similar to PBIS, Maslow recognized that fulfilling a deficit leads to the ability to accomplish additional growth. Academic growth is multimodal, and it requires consideration, recognition, and potentially assessment beyond standard core achievement measurements.

As noted with PBIS, there is a cultural impact that influences student performance when there is a teachable point of view of educators recognizing the need for instruction in response to all deficits, whether they are behavior or academic based. The focus of this review is not founded in behavioral impact, but there is an acknowledgment of the existing recognition of problem solving transcending academic needs. The development of this thinking has contributed to an evolving practice of tiered response to student need commonly known as MTSS.

MTSS

“Multi-Tiered System of Supports (MTSS) is a framework that helps educators provide academic and behavioral strategies for students with various needs. MTSS grew out of the integration of two other intervention-based frameworks: Response to Intervention and PBIS.” (PBIS, 2020). MTSS aligns with RTI in support of early intervention and avoiding the potential



What is MTSS? (Sedita, 2016)

pitfalls of the “wait to fail” dilemma. Key components of MTSS include the use of universal screening for all students, tiered intervention responses to student performance data, ongoing data collection and response, a schoolwide approach, and parent involvement. MTSS also implores emphasis on flexibility to specific school climates. Within MTSS, individual needs are addressed within a strongly aligned schoolwide implementation.

“It’s important to note that MTSS tiers may look quite different from school to school. MTSS focuses on the overall needs of individual students, and what may be a Tier 2 intervention in one school might be a Tier 1 in another. It is up to each school to develop an MTSS framework that addresses challenges specific to that school community” (PBIS, 2020, p. 4).

MTSS supports the systematic problem-solving approach that considers expanded variables from a multidisciplinary team with higher fidelity. Because of this, MTSS offers an intersection of broader consideration. Although there is a divide in professional interpretation of the most appropriate method for considering a specific learning disability, which in turn tends to divide multi-disciplinary teams into two camps of severe discrepancy model vs. RTI. There is likely some middle ground where parts from both assessment processes are useful for not only identifying students with potential disabilities, but also supporting the growth of students.

Intellectual testing can be used to identify a pattern of strengths and weaknesses among an individual student. With personalized data, teams can use the strengths of an individual to address deficits in learning. The potential pitfall is when the interpretations become too broad, “We have reached a point in school psychology and education that when we discuss a child’s achievement difficulties, we automatically attribute the child’s difficulties to some “processing deficit” inherent within the child” (Restori et.al., 2008, p. 71). Because both scientifically research-based interventions and cognitive assessments are time consuming, the evaluation team benefits from diligently considering benefits to assessments vs. the potential risk of excessive assessment that can draw away from learning without contributing to a solution. The practice and interpretation process of special education evaluation will continue to be a process requiring great balance.

Child Find Obligation

IDEA is clear about the duty of districts to include children in Child Find including children who are suspected of having a disability that impacts them educationally including students who are advancing from grade to grade, and students who are highly mobile moving from school to school frequently (34 CFR 300.311[c]). IDEA also states that factors must be ruled out including cultural factors, economic and environmental factors, and English proficiency (English Learner- EL). Also, the duty to complete an education evaluation exists whether or not a parent requests an evaluation but may not be conducted without parental/guardian consent.

In relation to the Child Find Law, there is a concern that when districts implement this process with fidelity, they also open the possibility of litigation because they have started the process under the presets of identifying student needs and potential disability deficit. Although

RTI is designed to intervene and meet student needs within the general education classroom, most of the research and publication revolves around special education. Because of this, discriminating against general education practices of implementing interventions and the legal liability to the Child Find process is complicated.

To begin with, RTI may not be used to deny or delay evaluation. Districts working to implement RTI with fidelity generally embrace the practice of ruling out alternative explanations for low-performing individuals. They also work to reduce the likelihood that exclusionary factors impact the suspicion or action of considering disability as the explanation of low performance. All good systems work to balance the implementation of their theory of action with honest transparency of the system limitations. Let's consider that an individual has demonstrated low performance and a school determines that based on a universal screener and Tier 1 interventions (as defined earlier) that a student must be considered for a higher level of support. Fidelity to RTI implementation should advocate for a transition to a Tier 2 intervention to potentially reduce the discrepancy or low performance in an identified area or skill. This will inevitably delay the potential evaluation of an evaluation for a suspected disability based on a low-performance deficit skill set in one or more areas. However, the team must balance the "delay" of evaluation with the benefit of reducing potentially un-needed or invasive comprehensive evaluation. There is a possibility that a Tier 2 intervention will reduce the discrepancy of a deficit in academic performance; unfortunately, there is also a risk that if the Tier 2 intervention is not successful, an evaluation might have been unnecessarily delayed. This is further complicated if a request was made by a parent guardian for a special education evaluation during, or prior to the intervention. If a parent or guardian requests a special education evaluation while a child is receiving intervention services within the RTI model, there must be reasonable considerations made.

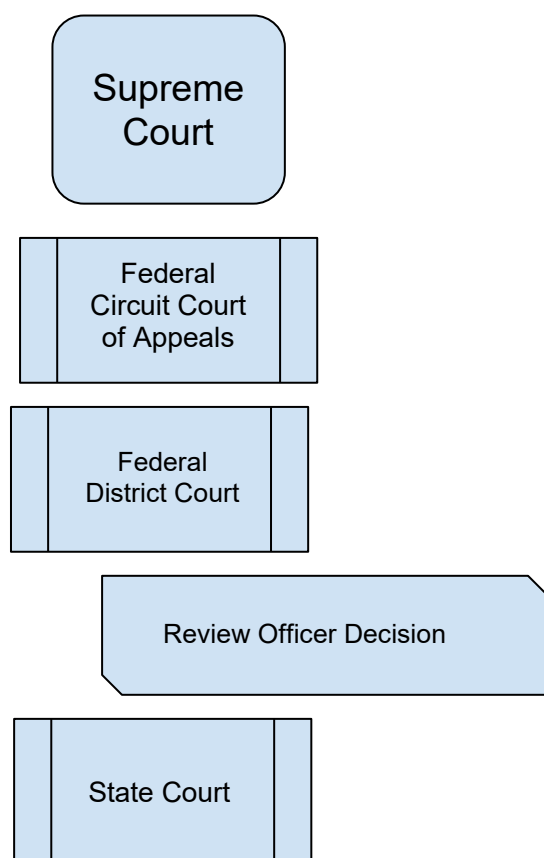
Schools must first seek consent to complete an educational evaluation, and then complete the evaluation within a reasonable amount of time or provide a written response to denying the evaluation including an explanation of why the student does not meet the minimum threshold for consideration of a disability that impacts their educational progress. Parents then will have an option to participate in an appeal including a due process hearing. The Office of Special Education Program (OSEP) has not defined terms related to Child Find including “appropriate time frame” or a student's “adequate progress”(2021). Additionally, students should be considered for all general education interventions and supports prior to referring them to special education through the Child Find process.

Child Find Law should be able to work with professional practices including RTI. Moore et al., (2017) gave recommendations for harmonizing RTI with the child find obligation, including a “standard of care approach” (p. 359), a “fast track option” (p. 359), and “ideally, as soon as a child is determined to be ‘below established benchmarks’” (p. 360), parent involvement. Other than generally observing that “confusion still exists regarding the legal ramifications of how RTI interconnects with child find obligations” (p. 359), they did not cite or analyze any case law (Zirkel, 2018).

Special Education Law Review

The framework for considering the weight of law determinations within special education law, and even more specifically related to RTI, carries increased weight as it moves through legislation and regulation. Legislation does carry more authority than regulation (Zirkel, 2018). Currently, there are no specific rulings regarding the connection between RTI and Child Find within the supreme court. Following the absence of a supreme court ruling, the hierarchy of descent generally follows rulings from the federal circuit court of appeals, then the federal

district court rulings with hearing and review officers' decisions based on IDEA. Although it is rare for states to rule on IDEA, they do follow the descent after federal courts. Additionally,



*Figure By Thesis Author Stephanie Shun

those hearings by hearing and review officers serve as place holders until a greater precedent is established by a higher court ruling.

Published cases do carry more weight than unpublished cases, particularly at the federal appellate level, but unpublished case influence is increasing as they become more accessible electronically (Zirkel, 2018).

Reviewing recent court cases in regard to general education intervention practices, and Child Find shows that almost 70% of cases reviewed rule in favor of the district (Zirkel, 2018). There are multiple considerations when considering the potential failure of the Child

Find Law including proof of denial or delay in evaluation of a student that would have met the threshold for special education services and was impaired by the inaction of a district. In fact, the legal cases revolve around child find and eligibility, with the connecting factor most evaluated (Zirkel, 2020). The supreme court cases consider the 2004 and 2006, the IDEA legislation (IDEA, 2017) and the regulations (IDEA regulations, 2018) and center around compliance and obligation to respond to first a *reasonable suspicion* of a disability, and doing so within a *reasonable time*, which unfortunately is not clearly defined within the law. Continued

investigation and understanding of the court cases stands to guide practices by setting a precedent for standard practices. There is also a challenge in discriminating between a violation of Child Find and a violation of eligibility. A district can fail to respond to reasonable suspicion timely, but ultimately if an evaluation is completed and an individual does not demonstrate a need for special education based on an identifiable disability, then the pursuant of Child Find violation becomes irrelevant. For this reason, the majority of case law reviewed is representative of cases which violate both child and eligibility thresholds (Zirkel, 2016).

Within IDEA, Free Appropriate Public Education (FAPE) sets a standard that every individual maintains the right to access appropriate education without discrimination or violation of disability rights. Zirkel completed comprehensive work and review of special education law over the past 20 years, and he recognized factors of FAPE violations including procedural violations, substantive violations, and implementation violations (2020). Procedural violations are met with a state mandating a corrective action plan to a violating district to correct procedural practices. In the 2004 amendments to IDEA, the courts determined that FAPE violations cause substantial harm to a child or parental rights of participation. The precedent for substantial violation was set by two court cases, *Board of Education v. Rowley* (1982), and *Endrew F. v. Douglas County School District RE-1* (2017). Rowley set a standard for integration with general education classrooms with access to grade level content and achievement. The updated precedent established with Endrew F. differs because it more broadly defines FAPE as child making educational progress appropriate to their circumstances. In other words, because grade level achievement standards are based on a median of achievement, some individuals will fall below average achievement. Low achievement should not be the standard for assumption of a deficit. The exceptionality of diversity within disability acknowledges that students individually have the

ability to make progress, but the reasonable progress is not always grade level achievement means or medians.

In 2016, Texas was cited for a violation of compliance to the State's Child Find requirements. Section 616 of IDEA requires the U.S. Department of Education to monitor states to improve the educational outcomes for students with disabilities and to ensure program requirements are met (Ennis et. al, 2017). The complaint notes that the State of Texas used RTI to delay and deny evaluation for students with suspected disabilities. During numerous listening sessions, parents described how their children were unsuccessfully provided interventions through RTI programs for years without being referred for an initial special education evaluation. The state of Texas was found to be in noncompliance with IDEA. The OSEP specific noncompliance included:

1. Texas violated IDEA section 612(a)(3) an implementing regulation 34 CFR 300.111- which ensures Child Find ensures all students are identified, located, and evaluated regardless of the severity of their disability.
2. Texas violated IDEA section 612(a)(1). Which ensures that FAPE is made available to all students residing in the state
3. Texas violated IDEA section 612(a)(11) and 616(a) (1)(C), Which is motoring the implementation of child find and FAPE

As a result of the noncompliance, Texas worked with the department of education to develop a corrective action plan to ensure the needs of students would be met. The Texas case serves as a precedent for other states to exercise caution with the implementation of RTI and use caution not to violate FAPE or Child Find.

Harmonizing Child Find with the Discrepancy Model and RTI

Although RTI and the discrepancy model can be evaluated as competing methods, there is an opportunity with the boundaries of Child Find law to be complementary. Specifically, Moore et al., (2017) proposed an opportunity for complimentary practices including the “standard of care approach”, a “fast track option” and “responding as soon as possible.” These practices support the foundational principles of child find law, with emphasis on not delaying evaluation for an individual with a suspected disability. This is a critical mind-set to have in addressing the needs of students. The mind-set more commonly comes from a researcher's perspective as opposed to a primary educator's perspective. This is because in education, the goal is a cyclical pattern of determining a need and then addressing it. From a research perspective, concern arises as to potential unidentified correlating variables that may have been overlooked, including the presence of a specific learning disability impacting the ability of an individual to make traditional adequate progress.

In consideration of correlation vs. causation, correlation simply identifies a relationship between existing variables, whereas causation assumes that one variable cause another to happen. For example, when trying to develop systematic approaches to reduce open water (outside) drownings or water emergencies a correlation could be made to the fact that open water emergencies often involve eating similar foods like watermelon and ice cream. Most of us would agree that it is unlikely that eating watermelon or ice cream *causes* water emergencies. The more likely conclusion is that people often eat ice cream and watermelon when it is hot outside. Also,

people often swim in open water when the weather is hot. Without understanding that the variables were simply a correlation, we might accidentally advocate to not eat ice cream or watermelon before swimming outside. Sadly, this would not likely contribute to a reduction in water emergencies because it is unrelated to the *causation* of the emergencies.

As mentioned previously, academic low-performance is only a correlation to disability, and not necessarily the causation. The causation of academic low-performance is broad. Systematic approaches contribute to the risk that a student will have a delay in evaluation or identification of a disability if it is present. Multi-tiered systems provide an early-intervention response to reduce the delay of support or identification. The discrepancy model promotes multi-modal consideration of executive function along with discrepant performance in academics. Since the discrepancy model includes the resources of intellectual testing, the probability that additional correlating factors are considered is greater. Standardized assessments are useful in their raw scores, but they also provide a greater understanding of patterns of strengths and weaknesses for individuals.

Ultimately the goal of Child Find is to look at an individual and consider whether their personal pattern of strengths and weaknesses are a result of an underlying disability that results in a need for specialized direct instruction under the umbrella of special education or even potentially supports it with a 504.

Chapter III: Discussion and Conclusion

Summary of Literature

Child Find law is designed to support the obligation under IDEA to support individuals with a disability by responding to a reasonable suspicion of a disability within a reasonable amount of time, and then supporting students who qualify for special education with direct instruction. The eligibility determination process has faced continued investigation in regards to best practices with the introduction of expanded eligibility practices using multi-tiered scientifically research based practices like RTI in addition to the previous traditional severe discrepancy model. Both RTI and the Severe Discrepancy Model offer unique benefits and weaknesses. RTI utilizes a universal screener and emphasizes early intervention. It also offers a systematic approach using scientifically researched based intervention processes to address low achievement for all learners. In contrast, the Severe Discrepancy Model is less likely to verify the presence of a specific learning disability until at least 3rd grade. There is a question as to whether or not intellectual or achievement testing is culturally sensitive, and repeating assessments is challenging because they are time consuming. Both models have been criticized for the potential delay of a timely response to a suspected disability. RTI has a risk to delay the evaluation of a suspected disability because the systematic process is designed to increase the tier or type of intervention gradually based on the data collected from a student's response and progress. Because the RTI process calls for participation from both the teacher and the learner, it is possible for a student not to make adequate progress based on inadequate engagement from either party. Research shows that prior to the 2004 amendment to IDEA, and the introduction of RTI for the purpose of qualifying special education, severe discrepancy was only found in roughly $\frac{1}{3}$ of students demonstrating low academic performance. Although several factors might contribute to the low qualification for special

education, one theory is that the gap between achievement and intellectual ability grows over time. If a student is evaluated prior to the discrepancy increasing to the threshold of qualification (roughly 2 standard deviations apart), it is possible to fail in identification of a student with a specific learning disability. Both methods of evaluation should include: (a) establishing a significant discrepancy between intellectual/cognitive ability and academic achievement, (b) identifying the presence of a psychological/ cognitive processing deficit, (c) determining whether adequate academic progress can be made without direct support with special education and related services, and (d) exclusionary considerations (Restori et al., 2008). A multi-disciplinary team should consider the individual when determining which method(s) to use. PBIS and MTSS support the enrichment of students using a multi-tiered approach that supports a skill deficit with instruction and not punishment. Child Find practices and special education law review recognizes growth in reducing disproportionality in identification and services for individuals with a disability. Although the court cases reviewed favor the districts, there is a need for continued evaluation of implementation with child find law. The supreme court is absent in its rulings related to child find and RTI but has ruled on cases regarding FAPE. Procedural violations are generally addressed at the state level with resolution through compensatory education and corrective action plans. An updated ruling sets a precedent that students need to make appropriate in relation to their circumstances.

Limitations of Research

This literature review does not include evaluation based on longevity considerations that compares student results prior to the implementation of alternative assessment models beyond the severe discrepancy models. States still have vastly discrepant interpretations and

levels of implementations of alternative methods including RTI. Most States permit the use of both RTI and the discrepancy model to evaluate and qualify individuals with a specific learning disability. Implementations of MTSS and PBIS have simultaneously grown in best practice under the education umbrella. Although it stands as a correlation, the growth mindset towards addressing the whole child in consideration of academic achievement influences the practice in both general education and special education. In 2017 Obama issued the Equity in IDEA regulations. Although there was a delay in the required implementation, the United States District Court for the District of Columbia ruled in 2019 that implementation of the regulations would take place immediately for “disproportionality effects to be properly addressed” (NCLD, 2020, p. 6).

Research continues to acknowledge a large group of students who are identified as performing low in academics, but their low performance is not related to an identifiable disability. Most articles fail to identify a systemic level of support for these students. Although the reader might infer that a district with strong implementation of MTSS would continue to respond to the needs of low performing students not identified with a disability, further consideration could be made for execution and practices related to these students. We should not abandon the intentionality of servicing this group of learners.

Implication of Future Research

Evidence-Based practices need to continue to inform the professional practices in education. Additional research should be conducted to understand the benefits of models still in early implementation including Multi-Tiered Systems of Support (MTSS), Universal Design for Learning (UDL) including representation and engagement, Positive Behavioral Interventions and Supports (PBIS), Culturally responsive teaching (CRT), and Restorative practices.

Educators should continue to seek professional development in culturally responsive practices and competencies. Understanding disability resources and responses along with improved educational law will promote growth within the educational system.

Professional Application

Professional growth includes the implementation of best practices, not just minimal compliance with the most current SPED law. I have had the opportunity to work as a paraprofessional, a special education teacher, and now as a student services coordinator. The professional progression has brought insight to the functional realities that are present within the educational system. Continued study within the field of special education supports my ability to support high quality practices and implementation of instruction.

As a Coordinator of Student Services, I have the privilege of over-seeing the evaluation process within our building. As a leader of a multidisciplinary team, a comprehensive understanding of current case law, and best practices, contributes to the success of our team and benefits students and families. The school district I work in has implemented a unique collaborative service delivery model. Within the collaborative service delivery model, there is an emphasis placed on servicing a student's needs with the most qualified instructor, which sometimes results in a model that supports the least restrictive environment through interventions within a general education classroom inclusive of students who may or may not have an identified disability. Because there is a potential that the service provider may not carry a special education license, the multi-disciplinary support team relies on collaboration with a licenses special education teacher or case manager. It is critical that my professional position relies on a comprehensive understanding of MTSS and disability practices.

The State of Minnesota has permitted the use of RTI or MTSS, including the use of data to determine low academic performance along with a lack of reasonable response to scientifically research-based interventions and a weakness in a basic psychological process that is consistent with low achievement. This is in addition to the severe discrepancy model. The shift towards implementing RTI/MTSS for the identification of students with a specific learning disability has been challenging for our district. In the absence of experienced practitioners in a new method, the known system continues to repeat itself. The added understanding of the relationship between RTI and the discrepancy model will contribute to my ability to act as a leader within my building and district in student focused practices.

With great wisdom one of my favorite Professors at Bethel University said, “The more we know, the more we realize what we do not know” (Susan Schwope, 2016). I commit to continue to seek understanding in best practices including instruction, assessment, and professional development. I will work to share the blessing of knowledge development that was fostered in me through Bethel University. I will show the love of Christ, and view my co-workers, administrators, and families through the lens of Christ remembering that we are all fearfully and wonderfully made in the image of Christ.

Conclusion

There is a strength that comes from depth of knowledge for professional application of both the Child Find Law and the permissible models in determining the eligibility of individuals with a suspected learning disability. RTI and the Discrepancy model both carry strengths and weaknesses when used exclusively. RTI provides an emphasis on early identification and permits the identification of a specific learning disability based on data collection that indicates an inability to make adequate progress with a scientifically research-based intervention. The

Discrepancy Model offers more consistent practice in using nationally normed assessments that demonstrate a pattern of strength and weaknesses. Court cases that have set precedent around special education including FAPE, LRE, and child find aim to support reasonable practices.

IDEA intentionally uses language to emphasize professional judgement in regards to the evaluation of a *reasonable* suspicion of a disability within a *reasonable* amount of time. IDEA also carries intentional language about the right of parent involvement in the process, and most recently emphasized the relevance of intentionality in reducing the disproportionate identification and restrictive placement of children of color.

References

- Armendariz, G., & Jung, A. (2016). Response to Intervention vs. Severe Discrepancy Model: Identification of Students with Specific Learning Disabilities. *Journal of Special Education Apprenticeship*, 5(1)
<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1127748&site=ehost-live&scope=site>
- Boat, T. F., & Wu, J. T. *THE NATIONAL ACADEMIES PRESS Mental Disorders and Disabilities Among Low-Income Children*
- Buttner, G., & Hasselhorn, M. (2011). Learning Disabilities: Debates on Definitions, Causes, Subtypes, and Responses. *International Journal of Disability, Development and Education*, 58(1), 75-87.
<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ917712&site=ehost-live&scope=site>
<http://www.informaworld.com/openurl?genre=article&id=doi:10.1080/1034912X.2011.548476>
- Choi, J. H., McCart, A. B., & Sailor, W. (2020). Achievement of Students with IEPs and Associated Relationships with an Inclusive MTSS Framework. *Journal of Special Education*, 54(3), 157-168.
<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1270949&site=ehost-live&scope=site>
<http://dx.doi.org/10.1177/0022466919897408>
- Çikili, Y., & Karaca, M. A. (2019). Examination of Teacher Candidates' Attitudes, Emotions, and Anxieties Regarding Inclusive Education by Different Variables. *Online*

Submission, 4(1), 115-130.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=ED607218&site=ehost-live&scope=site>

Counseling Not Criminalization in Schools Act, S. 4360, 116th Cong. (2020).

<https://www.congress.gov/bill/116th-congress/senate-bill/4360?q=%7B%22search%22%3A%5B%22%5C%22%5C%22Counseling+Not+Criminalization+in+Schools+Act%5C%22%5C%22%22%5D%7D&r=1&s=3>

Daves, D. P., & Walker, D. W. (2012). RTI: Court and Case Law--Confusion by Design.

Learning Disability Quarterly, 35(2), 68-71.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1004797&site=ehost-live&scope=site>
<http://ldq.sagepub.com/content/35/2/68.abstract>

Ennis, R. P., Blanton, K., & Katsiyannis, A. (2017). Child Find Activities Under the

Individuals with Disabilities Education Act: Recent Case Law. *TEACHING*

Exceptional Children, 49(5), 301-308. 10.1177/0040059916685063

Finister, C. S. (2020). *The impact of Endrew F.V. Douglas county and judicial ideology on individuals with disabilities education act fape determinations in United States district courts*

Fisher, K. M., Willis, C. B., Ransom, B. E., & , J. D. *Parent knowledge of the definition of FAPE in light of the Endrew vs. Douglas County School Board decision*

Garda, R. A. (2012). CULTURE CLASH: SPECIAL EDUCATION IN CHARTER SCHOOLS. *North Carolina Law Review, 90, 655-2162.*

Griffith, D., & Slade, S. (2018). A Whole Child Umbrella. *Educational Leadership*, 76(2), 36-38.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1193554&site=ehost-live&scope=site>
<http://www.ascd.org/publications/educational-leadership/oct18/vol76/num02/A-Whole-Child-Umbrella.aspx>

Grindal, T., Schifter, L. A., Schwartz, G., & Hehir, T. (2019). Racial Differences in Special Education Identification and Placement: Evidence across Three States. *Harvard Educational Review*, 89(4), 525-553.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1237966&site=ehost-live&scope=site>
<https://doi.org/10.17763/1943-5045-89.4.525>

Horowitz, S. H., Rawe, J., & Whittaker, M. C. (2017). *The State of Learning Disabilities: Understanding the 1 in 5 Executive Summary*. (). New York: National Center for Learning Disabilities. https://www.ncl.org/wp-content/uploads/2017/03/Executive-Summary.Fin_.03142017.pdf

Ikeda, M. J. (2012). Policy and Practice Considerations for Response to Intervention: Reflections and Commentary. *Journal of Learning Disabilities*, 45(3), 274-277.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ963570&site=ehost-live&scope=site>
<http://dx.doi.org/10.1177/0022219412442170>

Improving America's Schools Act of 1994, (1994).

Individuals with Disabilities Act (IDEA) regulations, (2018).

Individuals with Disabilities Improvement Act of 2004, (2020).

Learning Disability Association of Minnesota. <https://www.ldaminnesota.org>

Martin, S. D., & Zirkel, P. A. (2011). Identification disputes for students with attention deficit hyperactivity disorder: an analysis of the case law.(Children, Research, and Public Policy)(Report). *School Psychology Review*, 40(3), 405.

McLeod, S. (2020). Maslow's Hierarchy of Needs.

<https://www.simplypsychology.org/maslow.html>

Minnesota Department of Education. <https://education.mn.gov/MDE/dse/sped/cat/sld/>

Moore, E. R., Sabousky, R., & Witzel, B. S. (2017). Focus on Inclusive Education: Meeting Child Find through Response to Intervention. *Childhood Education*, 93(4), 357-360.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1147713&site=ehost-live&scope=site>

<http://dx.doi.org/10.1080/00094056.2017.1343593>

NCLD. (2020). Significant Disproportionality in Special Education: Current Trends and Actions for Impact. https://www.nclد.org/wp-content/uploads/2020/10/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf

No Child Left Behind Act of 2001, (2019).

PBIS. (2020). Improving School Climate. <https://www.pbisrewards.com/>

- Restori, A. F., Gresham, F. M., & Cook, C. R. (2008). "Old Habits Die Hard:" Past and Current Issues Pertaining to Response-to-Intervention. *California School Psychologist*, 13, 67-78.
<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ878352&site=ehost-live&scope=site>
<http://education.ucsb.edu/school-psychology/CSP-Journal/index.html>
- S.4360 - 116th Congress (2019-2020): Counseling Not Criminalization in Schools Act. (2020, July 29). <https://www.congress.gov/bill/116th-congress/senate-bill/4360>
- Schifter, L.A., Grindal, T., Schwartz, G. & Hehier, T. (2019). Students from Low-Income Families and Special Education. <https://tcf.org/content/report/students-low-income-families-special-education/?agreed=1>
- Sedita, J. (2016). *What is MTSS?*. <https://keystoliteracy.com/blog/what-is-mtss/>: Keys to Literacy.
- Steed, E. A., & Shapland, D. (2020). Adapting Social Emotional Multi-Tiered Systems of Supports for Kindergarten Classrooms. *Early Childhood Education Journal*, 48(2), 135-146.
<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1241349&site=ehost-live&scope=site>
<http://dx.doi.org/10.1007/s10643-019-00996-8>
- Ugah, A. D., & Arua, U. (2011). Expectancy Theory, Maslow's hierarchy of needs, and cataloguing departments. *Library Philosophy and Practice*,

http://link.galegroup.com.ezproxy.bethel.edu/apps/doc/A256863787/EAIM?u=clie_bethel&sid=EAIM&xid=8a918305

Whitten, E., Esteves, K.J., & Woodrow, A. (2009). *RTI Success*

. Free Spirit Publishing.

Yell, M. L., & Bateman, D. F. (2019). Free Appropriate Public Education and "Endrew F. v.

Douglas County School System" (2017): Implications for Personnel Preparation.

Teacher Education and Special Education, 42(1), 6-17.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1203723&site=ehost-live&scope=site>

<http://dx.doi.org/10.1177/0888406417754239>

Zirkel, P. A. (2016). Court Decisions Specific to Public School Responses to Student

Concussions. *Physical Disabilities: Education and Related Services*, 35(1), 1-16.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1100788&site=ehost-live&scope=site>

Zirkel, P. A. (2018a). Response to Intervention and Child Find: A Legally Problematic

Intersection? *Exceptional Children*, 84(4), 368-383.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1185041&site=ehost-live&scope=site>

<http://dx.doi.org/10.1177/0014402918776620>

Zirkel, P. A. (2018b). Response to Intervention and Child Find: A Legally Problematic

Intersection? *Exceptional Children*, 84(4), 368-383.

<https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true>

e&db=eric&AN=EJ1185041&site=ehost-live&scope=site

<http://dx.doi.org/10.1177/0014402918776620>

Zirkel, P. A. (2020). An Updated Primer of Special Education Law. *TEACHING
Exceptional Children*, 52(4), 261-265.

[https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true](https://ezproxy.bethel.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=eric&AN=EJ1245417&site=ehost-live&scope=site)

e&db=eric&AN=EJ1245417&site=ehost-live&scope=site

<http://dx.doi.org/10.1177/0040059919878671>