The NC Policies Governing Services for Children with Disabilities became fully effective July 1, 2020, regarding the definition, evaluation and identification of students with Specific Learning Disabilities (SLD). This fact sheet, the sixth in a series, addresses the changes in policy pertaining to the SLD **observation requirements**.
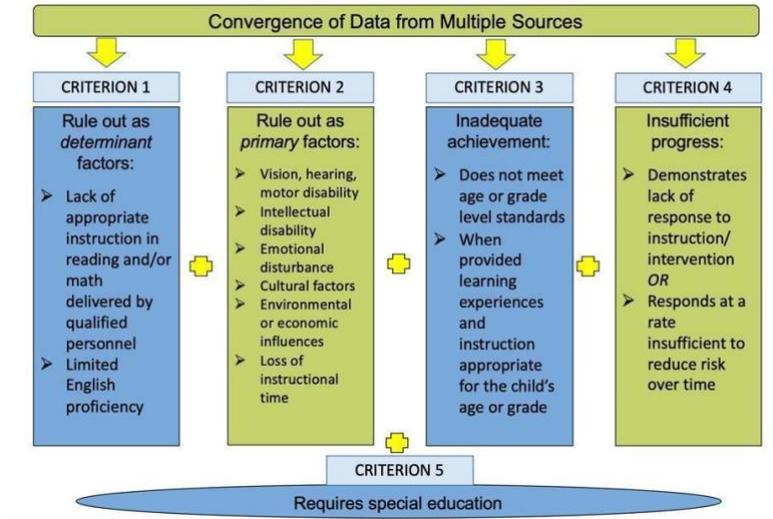
This graphic provides an overview of the criteria for determination of a Specific Learning Disability. The figure is adapted from *"The RTI Approach to Evaluating Learning Disabilities,"* by J. Kovaleski, A. VanDerHeyden and E. Shapiro, 2013.

Observation Requirements (1503-3.4)

The IEP team[1] must use the following observation data in determining whether a child has a specific learning disability:

Observation(s) completed before the child was referred for an evaluation or as part of the evaluation:

1) Relevant observation data regarding instructional, curricular, and/or environment areas addressed to support appropriate instruction of all students;
2) Relevant observation data collected within the setting in which the child receives intervention to support effective evidence-based intervention delivery.[2]

Observation(s) completed after a referral for evaluation has been made and parental consent:

3) *Systematic* observation data of the child's academic performance during routine classroom instruction, conducted by a member of the IEP team.

Within the observation requirements, the RIOT/ICEL organizational framework[3] is the recommended framework through which to operate. The observation data prior to referral typically exist when teams are effectively utilizing this organizational framework for *all* students. The observation data brought forward as existing data are primarily targeted around **I**nstruction, **C**urriculum and **E**nvironment (ICE) and (as referenced in the policy addendum), should assist in the documentation that:

1) appropriate instruction was provided
2) evidence-based interventions were delivered

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[1] For English Learners (ELs), at least one of the individuals conducting the observation(s) must be a person knowledgeable about instruction for ELs, as well as any pertinent cultural and/or linguistic characteristics of the individual child.

[2] The person(s) responsible for collecting the observational data of evidence-based intervention must have specific content knowledge of the curriculum and/or behavioral area that is targeted for the intervention.

[3] ICEL refers to Instruction, Curriculum, Environment and Learner. RIOT refers to the multiple methods of assessment through the structures of Review, Interview, Observe and Test.

The final observation requirement, conducted after an individual student is referred (i.e. an evaluation is determined necessary, and parental consent is obtained), is strictly focused on the **L**earner and involves collecting learner-targeted observation data specific to the area(s) of concern. This observation must document areas of strength as well as area(s) of need and is intended to address specific referral questions. *It should assist in informing decisions relative to instructional design and delivery specific to the learner and must be conducted by a qualified professional who is not the teacher of the child.*

The added descriptor of "systematic" to the third observation requirement is intended to move teams/individuals from anecdotal or narrative summaries of what they observe to a more structured and quantifiable approach to collecting & reporting observation data.

A summary of the observation requirements and examples of observation types that may be used within an *instructional* model of evaluation and identification for SLD is provided in the following table:

Fidelity of Instruction and Intervention Observation Data: (often provided as 'existing data')		
Observation Focus:	**Observation Setting:**	**Example Types:**
Instruction/ **C**urriculum/ **E**nvironment	Core Instruction (Delivery/Response)	- Classroom Walkthroughs - Structured Observation Checklist: *Program/Practice Specific* - Structured Observation Checklist: *General*
Instruction/ **C**urriculum/ **E**nvironment	Intervention (Delivery/Response)	Resources to address these may be available through PSU MTSS materials or building level system of support teams.
Learner Specific Observation Data: (identified within the evaluation plan)		
Observation Focus:	**Observation Setting:**	**Example Types:**
Learner	Routine classroom instruction	- Event Recording Tools - Duration & Latency Recording Tools - Time Sampling Interval Recording Tools Resource: **Systematic Observation of *Learner* – Core Instruction**

References and Resources
IEP teams are encouraged to understand fidelity of instruction and intervention data guidelines within observation requirements.

For additional information contact the NC Department of Public Instruction Exceptional Children Division.

For additional information regarding MTSS, contact your PSU's MTSS Coordinator or building level system of support team.