Poughkeepsie City School District

RESPONSE TO INTERVENTION PLAN
AND INSTRUCTIONAL SUPPORT TEAM
PROCEDURES HANDBOOK

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October 26th, 2016

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INTRODUCTION AND NEW YORK STATE EDUCATION DEPARTMENT REQUIREMENTS

Definitions and Regulatory Requirements for Academic intervention Services and Response to Intervention Practices

Academic Interventions Services (AIS) are services provided during the school day to students identified as requiring additional support through universal screening processes and according to their state designated performance levels on the New York State assessments. In grades 3-8th the students are assigned levels in ELA and math according to their performance on these state assessments as follows:

**Level 1** means the student has not met the academic standards, has serious academic problems and requires extra help.

**Level 2** means the student has not met the academic standards, has some academic problems and requires extra help.

**Level 3** means the student has met the academic standards.

**Level 4** means the student exceeds the standards and is moving toward high performance.

All elementary students who score at Levels 1 and 2 must receive academic intervention services. At the secondary level a performance score of 65 or lower on a Regents examination is identified as requiring AIS support. According to the Commissioner’s Regulations, school districts must provide AIS to identified students no later than the beginning of the semester following a decision that a student needs AIS.

AIS services are provided to students in intensity levels that correspond to performance levels. The intensity levels of AIS service are multi-tiered and hierarchical in nature and defined by the District’s Response to Intervention (RTI) program of supports and services.

**AIS: 8 NYCRR Section 100.2 (ee) of The Commissioners Regulations**

In July 1999, the Board of Regents adopted revisions to Part 100 of the Commissioner’s Regulations to align the regulations with new policy relating to standards, assessments, and graduation requirements. Section 100.2(ee) requires school districts to provide Academic Intervention Services (AIS) to students who score below the State designated performance level on State assessments and/or who are at risk of not achieving the State learning standards. School districts are required to complete a description of AIS services
and to commence services once determined that they are needed no later than the beginning of the semester following a determination that a student needs such services.

Response to Intervention (RTI) is a multi-tiered, problem solving approach that identifies general education students struggling in academic and behavioral areas early, and provides them with systematically applied strategies and targeted instruction at varying levels of intervention.

**Rti: 8 NYCRR Section 100.2 (ii) of The Commissioners Regulations**

In April 2008, the Board of Regents adopted revisions to the Part 100 Commissioner’s Regulation requiring schools to implement Response to Intervention (Rti) programs in schools. Rti is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. Each tier is associated with an intensity level that corresponds to student need. As students attain or fail to attain individual goals associated with performance data the level of support is intensified or diminished. Each district is required to adopt specific procedures for the application of Rti in determining if a student has a specific learning disability. The three tiers of Rti supports and AIS intervention process will be described in greater detail later in this document.

The Instructional Support Team (IST) is a building based multidisciplinary team of professionals that convenes weekly to conduct ongoing data review activities to identify school wide and individual instructional, academic and social emotional development needs of students. The IST oversees the coordination of specific research based and culturally responsive interventions under the supervision of the building principal and in collaboration with classroom teachers and support personnel.

**Board of Education Administrative Policies**

4321.11 SCHOOL-WIDE PRE-REFERRAL APPROACHES AND INTERVENTIONS

The Board of Education recognizes that the provision of academic and behavioral supports and targeted interventions for students who are not making academic progress at expected levels in the general curriculum may improve a student’s performance, and help avert the need for referral for possible classification as a student with a disability. Therefore, the district will implement on a school-wide basis practices appropriate to enable all of the district’s students to succeed in the general education environment.

The Superintendent will identify and take steps to implement a variety of practices appropriate to comply with this policy. Consistent with applicable law and regulation, those practices may include, for example:
1. Providing early intervention services with funds available under the IDEA and which may be coordinated with similar activities conducted under the Elementary and Secondary Education Act. Such services would be made available to students not currently identified as needing special education and related services, but who need additional support to succeed in a general education setting. This may include professional development that enables teachers and other staff to deliver scientifically based academic instruction and behavioral interventions, such as scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. It also may include educational and behavioral evaluations, services and supports.

2. Implementation of a response to intervention (RTI) program that includes the minimum requirements established by commissioner’s regulations, and allows teachers and other staff to determine whether a student responds to scientific, research-based instruction or requires interventions beyond those provided to all students in the general education classroom.

3. Implementation of a positive behavioral intervention and support (PBIS) system that reduces school and classroom behavioral problems, and creates and maintains a safe and positive learning environment by promoting positive behavior in all students.

District implementation of any of the above practices will not impede or delay the appropriate evaluation of a student suspected of having a disability, and the student’s right to a free appropriate public education.

Adoption Date: March 25, 2009

4325 ACADEMIC INTERVENTION SERVICES

The Board of Education is committed to providing academic intervention services to students at risk of not meeting the state learning standards. Such services may include additional instruction supplementing the instruction provided in the general curriculum and/or student support services such as guidance, counseling, attendance and study skills needed to support improved academic performance.

Eligibility for academic intervention services will be determined based on a student’s performance on state assessment exams and/or in accordance with the uniformly applied district-developed district-adopted procedures. Eligible students will receive services consistent with law and regulations, which shall commence
no later than the beginning of the semester following a determination that a student is eligible for such services.

**Parental Notification and Involvement**

**Notification on Commencement of Services**

The Building Principal will notify the parents of a student determined to be in need of academic intervention services, in writing, upon the commencement of such services. Such notification will include:

- A summary of the academic intervention services to be provided
- The reason the student needs such services; and
- Consequences of not achieving expected performance levels.

**Notification on Ending of Services**

The Principal will notify the parent in writing when academic intervention services are no longer needed. Such notification will include:

- The criteria for ending services; and
- The performance levels obtained on district selected standardized assessments, if appropriate.

In addition, the district/schools will provide for ongoing communication with parents which must include opportunities to consult with teachers and other professional staff, regular reports on the student’s progress and information on ways to monitor and work with educators to improve the student’s performance.

All parental notifications and communications will be done in English and translated, when appropriate, into the native language or mode of communication of the parents.

**Description and Review of Academic Intervention Services**

The Superintendent of Schools, in consultation with each Building Principal, shall maintain a description of academic intervention and/or student support services for each school. This description will include any variations in services in schools within the district and will specifically delineate:

- The district-wide procedures used to determine the need for academic intervention services
• The academic intervention instructional and/or support services to be provided

• whether instructional services and/or support services are offered during the regular school day or during an extended school day or year; and

• The criteria for ending services, including, if appropriate, performance levels that students must obtain on district-selected standardized assessments.

Adoption date: June 23, 2004

**Universal Student Screening**

The District utilizes Universal Screening processes to collect data and assist with the early identification of students at risk. The screening process begins upon admission with all incoming kindergarten students who are screened in the following areas: language development, motor development, concepts and readiness development, hearing, vision and social emotional development. These results are supplied to the parents during the screening process with corresponding suggested activities to be completed at home by the parent in an effort to prepare children for their first day of Kindergarten. Students who perform at the 25th percentile or lower are identified as at risk prior to the beginning of school. The IST and Principal are provided with these screening results and are expected to schedule an initial IST meeting at the beginning of the school year to begin classroom based interventions.

Multiple assessments and/or sources of evidence are used to determine if a student is at risk of not meeting the New York State Department of Education prescribed curricula and standards. Individual and subgroup progress at the building level is reviewed by the Instructional Support Team and building Principal. Individual and sub-group data are used by the instructional Support Team (IST) to determine whether students are making adequate yearly progress. The IST and remedial services providers, under the direction of the Principal, identify performance thresholds that demonstrate student proficiency prior to discontinuing an intervention.

The Diagnostic Indicators of Basic Early Literacy Skills (DIBELS) and/or Core Knowledge Language Arts (CKLA) or Expeditionary Learning screening tools are administered regularly as a progress monitoring tools for all students grades Kindergarten through Fifth grade to monitor reading progress. Students that are identified as at-risk will be supported one-to-one or small group interventions through a flexible skills group ELA period. The IST and remedial service providers will conduct individual and subgroup progress monitoring activities where appropriate using the screenings to inform student development.
The Language Assessment Battery (LAB-R) is conducted two times a year for the District’s English Language Learning (ELL) population grades K-12th to determine progress.

**Appropriate Instruction**

All students will be instructed in the least restrictive environment and will have access to high quality research based instruction that is culturally responsive and individualized to meet the diverse needs of the District’s population. Instruction will be based on New York State prescribed curricula and standards where applicable.

Individualized and research based instructional strategies; interventions and curricular materials will be utilized. Standardized test results and formative assessment data will be used to inform instructional decisions at the classroom, building and district level.

The New York State Education Department describes appropriate instruction on Pages 3 through 6 of its 2010 guidance document (Appendix A) as follows:

A school district's process to determine if a student responds to scientific, research-based instruction shall include appropriate instruction delivered to all students in the general education class by qualified personnel. Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.[8 NYCRR §100.2(ii)(1)(i)]

**Appropriate instruction delivered to all students in the general education class by qualified personnel**

Appropriate instruction begins with the core program that provides:

- high quality, research-based instruction to all students in the general education class provided by qualified teachers;
- differentiated instruction to meet the wide range of student needs;
- curriculum that is aligned to the State learning standards and grade level performance indicators for all general education subjects; and
- instructional strategies that utilize a formative assessment process.

It is recommended that schools use the New York State (NYS) curriculum guides to ensure that curriculum is aligned to NYS learning standards. These can be found at [http://www.p12.nysed.gov/ciai/cores.html](http://www.p12.nysed.gov/ciai/cores.html).
The New York State Education Department (NYSED) has posted a series of standardized and research-based Quality Indicator Review and Resource Guides on its website. These guides can be used to assess the quality of a school district’s instructional programs and practices in the areas of literacy and special education instructional practices. These are available at http://www.p12.nysed.gov/specialed/techassist/QIcover.htm.

It is beyond the scope of this document to provide extensive information on effective instructional strategies for all content areas. Rather, information and links to available resources have been identified for in-depth information on research-based practices to assist schools in making those decisions.

**Appropriate instruction in reading**

Appropriate instruction in reading means explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.[8NYCRR 100.2(ii) and 200.4(c)(2)(i)]

For high quality early literacy instruction, the core reading program should minimally be scheduled for an uninterrupted 90 minute block of instruction daily.

**Appropriate instruction in mathematics**

Appropriate instruction in mathematics includes instruction in problem-solving, arithmetic skill and fluency, conceptual knowledge/number sense and reasoning ability.

For additional information, see Foundations for Success: The Final Report of the National Mathematics Advisory Panel at http://www.ed.gov/about/bdscomm/list/mathpanel/index.html This report contains 45 findings and recommendations on curricular content, teachers and teacher education, instructional practices and materials, learning processes and assessments.

Additional resources for appropriate instruction in mathematics include, but are not limited to, the Institute of Education Sciences (IES) Practice Guide from What Works Clearinghouse, which offers eight recommendations for identifying and supporting students struggling in mathematics, intended to be implemented within an RtI framework and the guide “Assisting Students Struggling with Mathematics: Response to
Intervention (RtI) for Elementary and Middle Schools” which can be found at http://ies.ed.gov/ncee/wwc/pdf/practiceguides/rti_math_pg_042109.pdf.

Behavioral Supports and Interventions

Appropriate behavioral supports and intervention is evidenced by a school-wide positive behavioral system which reflects a systems approach to discipline that emphasizes prevention and data-based decision-making to both reduce problem behavior and improve academic performance.

NYSED has posted a series of standardized and research-based Quality Indicator Review and Resource Guides, which can be used to assess the quality of a school district’s practices in the area of behavioral supports and intervention on its website at http://www.p12.nysed.gov/specialed/techassist/behaviorQI.htm. For additional resources on Positive Behavioral Intervention and Supports (PBIS) see http://www.pbis.org/.

While this document focuses on the academic instructional components of RtI, the RtI framework is intended to support both academic and behavioral systems and schools are encouraged to implement both academic and behavioral aspects of an RtI framework as illustrated below:

![School-Wide Systems for Student Success: A Response to Intervention (RTI) Model](image)

Culturally responsive instruction
Culturally responsive instruction uses the cultural knowledge, prior experiences, performance styles and strengths of students from diverse backgrounds to make learning more appropriate and effective for them. Culturally responsive teaching incorporates multicultural information, resources, and materials in all the subjects and skills routinely taught in schools.

The Center for Research on Education, Diversity and ExcENL ence (CREDE) CREDE has developed “Five Standards for Effective Pedagogy” with research supporting the adherence to these standards. One of these standards requires connecting teaching and curriculum to student’s experiences and skills of home and community. For indicators of contextualization see http://crede.berkeley.edu.

Another CREDE standard for effective pedagogy includes developing competence in the language and literacy of instruction across the curriculum. “Whether instruction is bilingual or monolingual, literacy is the most fundamental competency necessary for school success.” Language appropriate instruction should include “interacting with students in ways that respect students’ preferences for speaking that may be different from the teacher's...” and “encouraging students’ use of first and second languages in instructional activities.” See http://crede.berkeley.edu/research/crede/lang_dev.html.

Also, see Chapter VI for additional information and resources.

**Linguistically appropriate instruction**

Appropriate instruction for limited English proficient/English language learners (LEP/ENL) students must be both culturally responsive and linguistically appropriate. This includes research-based instruction that has been validated with LEP/ENL students and bilingual and English as a second language (ESL) instruction, at levels pursuant to Part 154 of the Regulations of the Commissioner of Education. It is also important to determine if adequate support in English language development has been provided and to what extent a student may be struggling due to their lack of proficiency in English.

The same basic requirements for implementing RtI with all general education students apply to situations in which cultural and linguistic diversity may be a factor: screening, progress monitoring, qualified instructors (for reading/literacy and content areas, including instructors providing English language arts (ELA), ESL and bilingual instruction), and application of instruction and interventions with fidelity.
See Chapter VI, Considerations when Implementing RtI with Limited English Proficient/English Language Learners.

**Scientifically-based research**

Instructional methods based on scientific research identify those practices that demonstrate high learning rates and improved academic performance for most students. Scientifically-based research:

- employs systematic, empirical methods that draw on observation or experiment;
- involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions;
- relies on measurements or observational methods that provide valid data across evaluators and observers, and across multiple measurements and observations; and
- has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparatively rigorous, objective and scientific review. [No Child Left Behind (NCLB) Act of 2001]

**Quality Indicators for Appropriate Instruction**

- Research/evidence-based instruction that has shown to be effective is provided to all students.
- Scientific research-based reading instruction includes an uninterrupted block of 90 minutes of daily explicit and systematic instruction in phonemic awareness, phonics, vocabulary development at all grade levels, reading fluency (including oral reading skills) and reading comprehension strategies.
- Scientific research-based math instruction includes instruction in problem-solving, arithmetic skill/fluency, conceptual knowledge/number sense and reasoning ability.
- Curriculum is aligned to the State learning standards and grade level performance indicators.
- Instruction is provided by qualified personnel and trained staff.
- Differentiated instruction is used to meet a wide range of student needs.
- Professional development is provided to ensure fidelity of implementation.
- Instructional strategies/programs are implemented with fidelity.
- Instruction is culturally and linguistically responsive to the language and learning needs of students whose first language is not English.
For information on differentiated instruction, see http://www.cast.org/publications/ncac/ncac_diffinstructudl.html#definition.
The Instructional Support Team as a Building Level Problem Solving Team

The Instructional Support Team (IST) is a required multi-disciplinary building level committee that reports to the principal and is charged with monitoring student performance. The IST has an annually appointed chairperson who receives training and support through the Pupil Personnel Department. IST members make program recommendations regarding student needs as represented by universal screening data as well as group and individual response to interventions.

In addition to monitoring student academic performance the IST monitors other indicators that affect student achievement such as attendance and discipline. Behavioral monitoring using building and district wide data, as well as individual and group response to intervention progress monitoring results provides data for evaluating behavioral progress for individuals and groups of students. All buildings are required to enact school wide behavioral support systems and utilize positive behavioral interventions and supports as a part of a research-based network of behavioral supports which provide an environment conducive to learning.

The IST oversees the efficacy of all interventions and support systems annually by reviewing the results of local screenings, the New York State Department of Education School Report Card, and district generated reports pertaining to student performance, attendance, discipline, and NCLB and graduation preparedness.

Longitudinal tracking by the IST of student interventions, including formal Behavior Intervention Plans, Academic and Behavioral interventions (at all three tiers) will be documented and tracked electronically using a web-based student management system. This web-based evaluative data will be available to the instructors working with the individual student receiving support.

Classroom teachers, related service providers, support service providers and special area teachers are required to request IST review whenever any child is at-risk for failure. Parents of children reviewed by the IST will be notified in writing and invited to attend a Parent meeting in regards to the Scholar’s needs or progress. Parents will be notified whenever their child receives any supplemental pull out or push in service and receive quarterly reports documenting their child’s progress.

The New York State Education Department describes matching scholar instructional need to interventions as being achieved through a model of tiered
service delivery on Pages 12 through 14 of its 2010 guidance document (Appendix A) excerpted as follows:

A school district’s process to determine if a student responds to scientific, research-based instruction shall include instruction matched to student need with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

[8NYCRR §100.2(ii)(1)(iii)]

Multi-tiered Service Delivery Model

When students are identified through screening, progress monitoring or other on-going assessment procedures as not making sufficient or satisfactory progress, the school’s multi-tier service delivery model provides a range of supplemental instructional interventions with increasing levels of intensity to address these needs. The various tiers include distinguishing features such as:

- size of instructional group,
- mastery requirements for content,
- frequency and focus of screening,
- duration of the intervention,
- frequency and focus of progress monitoring,
- frequency of intervention provided, and
- the instructor’s qualifications.

A multi-tiered system can be viewed as layers of increasingly intense intervention that respond to student-specific needs (a continuum of instructional support provided to a student). The number of tiers may vary depending upon the individual school and resources available. For purposes of this document, a three-tier model will be described.

Levels of Intervention: Tier 1

Tier 1 is commonly identified as the core instructional program provided to all students by the general education teacher in the general education classroom. Research-based instruction and positive behavior intervention and supports are part of the core program. A school/district’s core program (Tier 1) should minimally include:

- core curriculum aligned to the NYS learning standards;
- appropriate instruction and research-based instructional interventions that meets the needs of at least 80 percent of all learners;
universal screening administered to all students in the general education classroom three times per year;
weekly progress monitoring of students initially identified as at-risk for five or six weeks;
differentiated instruction based on the abilities and needs of all students in the core program; and
a daily uninterrupted 90 minute block of instruction in reading.

District policies and practices should ensure that parents are informed of curriculum goals and methods of instruction.

Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies.

As indicated in Chapter I, the foundation of core instruction for LEP/ENL students should be both culturally responsive and linguistically appropriate. Tier 1 appropriate instruction for LEP/ENL students must include bilingual and ESL instruction, at levels pursuant to Part 154 of the Regulations of the Commissioner of Education.

Levels of Intervention: Tier 2

Tier 2 intervention is typically small group (3-5) supplemental instruction. This supplemental instructional intervention is provided in addition to, and not in place of, the core instruction provided in Tier 1. For example, a student who is receiving Tier 2 intervention would be provided core instruction plus 20-30 minutes of supplemental interventions three to five days per week. Tier 2 interventions focus on the areas of student need or weakness that are identified in the screening, assessment or progress monitoring reports from Tier 1. Therefore, students are often grouped according to instructional need. Approximately 5 to 10 percent of students in a class receive Tier 2 intervention.

The location of Tier 2 intervention is determined by the school. It may take place in the general education classroom or in an alternate location outside of the general education classroom. The determination of which interventions will be provided to an individual student is made by either a problem-solving process or a standard treatment protocol. (See Chapter V on the decision-making process.) Tier 2 interventions should be supported by research and vary by curriculum focus, group size, frequency, and duration. Individual student needs affect the determination of these variables.
In Tier 2, direct, systematic instruction provides more teacher-directed instruction, carefully structured and sequenced to an individual student, than was provided in Tier 1. The determination of a student’s achievement is well defined and mastery is achieved before moving on to the next step in the sequence.

Progress monitoring occurs more frequently in Tier 2 and may vary from once every two weeks to once a week using Curriculum-Based Measurement (CBM)\(^2\) that measure targeted skills. Periodic checks to ensure that the delivery of instruction was provided in the way it was intended (fidelity checks) are conducted for the purposes of determining how closely the intervention or instruction is implemented to the way it was designed.

The recommended length of time a student spends in the second tier of intervention will vary from approximately nine to 30 weeks, depending on such factors as the skill set to be learned, rate of student’s progress, whether the student is making adequate progress according to the standard protocol established prior to initiation of the intervention, the student’s age and/or developmental level. When progress monitoring of a Tier 2 intervention indicates lack of adequate response, schools should consider adjusting the intervention in terms of intensity.

**Levels of Intervention: Tier 3**

Tier 3 intervention is designed for those students who demonstrate insufficient progress in Tier 2. Tier 3 is typically reserved for approximately one to five percent of students in a class who will receive more intensive instruction in addition to their core instruction. Tier 3 differs from Tier 2 instruction in terms of such factors as time, duration, group size, frequency of progress monitoring and focus. This tier provides greater individualized instruction in a small group setting (generally one to two students at a time) anywhere from 30 to 60 minutes at a minimum of four days per week. The progress of students at Tier 3 is monitored more frequently, at least once a week, to determine the student’s response to intervention. Instruction is provided by school personnel who are highly skilled or trained in the areas of academic need indicated by student performance data. The setting for Tier 3 intervention is determined by school personnel. It is important to note that Tier 3 is considered supplemental instruction to Tier 1 and is not intended to replace Tier 1 instruction. Similar to Tier 2, school personnel must conduct regular fidelity checks to determine if the intervention was implemented the way it was intended.
Limited English Proficiency and RTI

In considering progress for Scholars who are Learners of English as a New Language (ENL), it is important to remember that language acquisition is a continuum process, with one or more modalities developing at different rates than others. It is important for all teachers that work with ENL scholars to understand the process of how language develops, the time that it takes for students to acquire basic communication skills versus academic content skills, and to take into consideration the student’s ability in their first language in order to develop their second language.

When appropriate the ENL teacher is scheduled to attend any IST meeting reviewing the progress of an ENL Scholar. ENL teachers are expected to provide the IST with the following reports and information; Home Language Questionnaire, information regarding the language spoken at home, data from the WRAP (Writing and Reading Assessment Profile) in English and second language, score on the Language Assessment Battery-Revised (LAB-R) and anecdotal information as it relates to the student and the family background.

All classroom and ENL teachers are required to provide differentiation for English Language Learners in their classroom. Specific information that can help to differentiate the level of instruction may be discussed at the IST and provided by the ENL teacher to the classroom teacher. The ENL Teacher may at any time provide consultation to the classroom teachers prior to an IST review as the ENL teacher has valuable information regarding the following areas; knowledge of interrupted formal education, and the situations surrounding the interruption (political reasons, travel, aiding relatives, family strife, extreme poverty, asylum, or others), the students ability to decipher between different educational systems, including understanding how curricula and expectations are different between NYS and other states in the US, and/or other countries, an understanding of the students’ proficiency within English development, including knowledge of ability within listening, reading, writing, and speaking in English, knowledge of the students’ bilingual or bi-literacy abilities and where the student is within the language acquisition continuum and finally the ENL teacher has knowledge of what capabilities the family may have to support English instruction are home, and to what ability the parents and/or siblings can help support the child in learning at home.

Determination of a Specific Learning Disability

In July 2005, New York State, in response to the provisions contained in the reauthorization of the Federal Individuals with Disabilities Education Improvement Act of December 2004, repealed the requirement that Local Education Agencies must consider whether a scholar has a severe discrepancy
between achievement and intellectual ability. In place of a discrepancy
determination states were required to develop processes that determine if a
scholar responds to scientific, research-based interventions as part of the
evaluation process to determine if a student has a learning disability.

New York State has established criteria for the CSE to use when determining if a
scholar has a learning disability. These criteria include consideration of data and
instructional information obtained through an RtI process which provides
important information to determine if a student needs to be referred for an
individual evaluation to determine if the scholar has a learning disability. Effective
on and after July 1, 2012, a school district must have an RtI process in place as it
may no longer use the severe discrepancy between achievement and intellectual
ability to determine that a scholar in kindergarten through grade four has a
learning disability in the area of reading.

In making a determination of eligibility for special education, the CSE must
determine that underachievement of the scholar is not due to lack of appropriate
instruction in reading (including the five essential components), mathematics or
limited English proficiency. The data from RtI can help to document that the
reason for a scholar’s lack of progress or non-responsiveness is not due to lack
of appropriate instruction, visual, hearing, intellectual disability, emotional
disturbance, cultural factors, environmental or economic disadvantage or limited
English proficiency. Along with other individual evaluation information, RtI data
can yield important descriptive information about how children learn and why
they may be having difficulties.

When determining if a scholar has a learning disability, the data from multiple
sources indicates that the scholar, when provided appropriate instruction:

1. Does not adequately achieve grade level standards in the areas of reading
   and/or mathematics and;

2. (a) is not making sufficient progress toward meeting those standards when
   provided with appropriate instruction consistent with an RTI model or;

   (b) exhibits a pattern of strengths and weaknesses in performance and/or
   achievement relative to age or grade level standards as found relevant
   by the CSE or;

3. has learning difficulties that are not primarily the result of a visual, hearing or
   motor disability; mental retardation; emotional disturbance; cultural factors;
   environmental or economic disadvantage; or limited English proficiency.

While the data collected through an RTI process may be used as part of a
scholar’s individual evaluation to determine if a scholar has a learning disability,
it may not be the sole source of information to make this determination. A scholar suspected of having a learning disability must receive a comprehensive multidisciplinary evaluation. Consistent with section 200.4(b) of the Regulations of the Commissioner of Education, the individual evaluation must include a variety of assessment tools and strategies including a physical examination, a social history, other appropriate assessments as necessary, an educational assessment, an individual psychological evaluation and an observation. The observation of the scholar can include information from an observation in routine classroom instruction done either prior to referral for an evaluation or after referral has been made.

The scholar-centered data collected and information on instructional strategies used throughout an RTI process provides important information to inform the CSE about the scholar’s progress to meet age or State-approved grade-level standards. This data should include, but not be limited to:

- Data that demonstrates that the scholar was provided appropriate instruction delivered by qualified personnel including research-based instruction in reading.
- Progress monitoring data that describes how a scholar responded to particular interventions of increasing intensity.
- Instructional information on a scholar’s skill level and rate of learning relative to age/grade level standards or criterion-referenced benchmarks;
- Evaluative data including CBM regarding a scholar’s performance that is useful and instructionally relevant.

The CSE must prepare a written report documenting the eligibility determination of a scholar suspected of having a learning disability which must include the basis for how the decision was made, this must include:

- the instructional researched based strategies used,
- the scholar-centered data collected and monitored, and
- documentation that parents were notified when the scholar required an intervention beyond that provided to all scholars in the general education classroom, informing them about the amount and nature of scholar performance data that would be collected; the general education services that would be provided in the RTI program; strategies that would be used for increasing their child’s rate of learning and the parents right to refer their child for special education services.

The New York State Department of Education recommends that all schools, including nonpublic schools, implement RTI programs. If a scholar from a
nonpublic school is referred for an evaluation to determine if the scholar has a disability and there is no data from an RTI process available because the nonpublic school does not implement an RTI process, information from other sources should be obtained regarding the type of instruction the scholar has received and the scholar’s progress in the school’s curriculum (such as teacher reports, classroom tests, standardized tests, report cards and information from parents).

Nonpublic school scholars cannot be denied an evaluation to determine if the scholar has a disability or the provision of services, if eligible, based on the nonpublic school not implementing an RTI process and the lack of data available from an RTI process. The determination of eligibility is based upon a comprehensive multidisciplinary evaluation consistent with section 200.4(b) of the Regulations of the Commissioner of Education. The parent and CSE may agree to extend the timeline to complete the individual evaluation in order to have the scholar participate in a process to assess the scholar’s response to scientific, research-based intervention (RTI).
Annual Evaluation of Student Support Systems

The Poughkeepsie City School District identifies scholars for Academic Intervention Services (AIS) in grades K-12 on an annual basis. The Assistant Superintendents for Curriculum and Instruction and Family and Scholar Support Services, in conjunction with the Director of Data and Accountability, and School Principals will review the results of all state testing and local scholar performance and progress monitoring data levels on an ongoing basis. The results of all Regents and state level evaluations are reported to the Superintendent and Board of Education at least annually and annual data is disaggregated and reviewed according to sub-group performance.

Strategic Planning and Goal Setting Activities

In addition to review of scholar data, an annual review of district and building level performance in response to intervention will be conducted as a part of ongoing quality assurance. Using the RTI Quality indicators provided in the 2010 RTI Guidance Manual (described on pages 7, 10, 15, 22, 29, 37, 39, 44, & 47) as benchmarks, the District will collect electronic pre and post-test growth ratings annually. Ratings in each area of IST/RTI performance will be used to monitor improvement and set performance goals for district and building level performance each year with baseline data established in the month of October, and post testing to be completed by the end of June. These post-assessment data will be used to inform PD planning as well as systemic initiatives during the Summer Planning period and will be shared out with Building and District Stakeholders.

Scholar Progress and Faculty Professional Development

Data from the IST process will be provide to the PD planning team in order to inform the areas of growth and opportunity for the District’s staff. Both data from the scholar performance and development viewpoint as well as data from the quality review standpoint will be shared out. Improvements in outcomes will be generated both by shifts in scholar intervention as well as more effective methods for monitoring and tracking scholar and team performance.
The Instructional Support Team Mission Statement

The goal of the IST is to create and maintain scholar success within the educational environment by problem-solving to improve instructional support practices through: (Adapted from Gottlev, 2006)

- Collaboration with professionals, parents, and scholars
- On-going data review to identify school-wide and individual instructional, academic, and social-emotional development of scholars.
- Coordination of specific research-based and culturally-responsive interventions

Referral of an Individual Scholar To The Instructional Support Team

Every member of the instructional faculty and all support services providers receive a password and user identification number for the web based Individual Education Plan Direct (IEP) and Response to Intervention Management (RTIM) Systems through their Principal. The RTIM system is the program for monitoring instructional and behavioral interventions developed by the Instructional Support Team (IST) in compliance with Response To Intervention (RTI) regulatory requirements. The following steps will guide you through the referral and monitoring process:

1. Sign onto IEP Direct with your unique user identification number and password. Locate the RTIM Tab in upper right hand corner of the page and click on the link. You may have to adjust your settings to allow pop ups.

2. Locate the scholar’s name from the building list. If the name has not been previously entered you can add the name by clicking on the New Student Tab on the left of the screen. Type the scholar’s last and first name and you will be given a selection of matches from which you will select the appropriate scholar.

3. Once you have selected the correct name the program will bring you to an Intervention Page. Select New Intervention under Intervention Services. This will bring you to the Intervention Screen. Select an Intervention Type to meet the needs of the specific scholar being referred.
4. You will be asked to select an **RTI Level**. You must select **Tier 1**. Enter an intervention **Start Date** and do not put an **End Date** if the intervention is still in progress. You may enter multiple interventions that have beginning and end dates.

5. You will be asked for a **Mode**. Select In Class. Also add data regarding **Frequency** and **Duration**.

6. Enter data requested about **Building, Principal, Provider** (you), **Funding** (always select Local at 100%), **Reason for Services** and **Intervention Curriculum**.

7. Press the **Save Button** and then **E-mail your IST Chairperson** indicating you would like this scholar to be placed on the next agenda.

**IST Problem-Solving Guide**

Referral Steps prior to initial IST meeting:

- Referral is made using RTIM.
- Classroom observation is scheduled and conducted.
- Initial IST meeting is scheduled after observation is completed.

<table>
<thead>
<tr>
<th><strong>Part A- Identifying the Problem (10 mins)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 1: Assess Teacher/Parent/Guardian Concerns</strong></td>
</tr>
<tr>
<td><strong>Goals:</strong> The IST Coordinator reviews information from the referral form and teacher/parent shares <strong>KEY REFERRAL CONCERNS</strong></td>
</tr>
<tr>
<td><strong>Questions</strong></td>
</tr>
<tr>
<td>- Given the information on the referral form, what are the specific difficulties that you would like to address today? Be sure these difficulties are descriptive (i.e., scholar screams and bangs hands on desk rather than scholar throws tantrums) and in measurable terms (i.e., scholar screams and bangs hands on desk everyday during the first 5 minutes of circle time).</td>
</tr>
<tr>
<td>- How is this issue interfering with the scholar’s school performance?</td>
</tr>
<tr>
<td><strong>Critical Considerations</strong></td>
</tr>
<tr>
<td>When a scholar is struggling, staff should first consider the possibility that she/he is not receiving adequate instruction before it is assumed she/he is not responding because scholar has deficits of some kind.</td>
</tr>
<tr>
<td>The IST Coordinator may want to start the meeting by reviewing the written concerns from the teacher/parent, then asking her/him if there is additional information to add. Make sure all communication is presented in a language that is accessible to attending parent/guardian, and the meeting is scheduled at a time and location that is convenient for the parent/guardian.</td>
</tr>
</tbody>
</table>
Conference calls, Skype, conferencing before or after school, holding a conference at the scholar’s home or community library, etc. are examples of meeting alternatives.

<table>
<thead>
<tr>
<th>Indicators to Proceed to Step 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team members have a strong understanding of teacher/parent/guardian concerns based on teacher/parent/guardian input.</td>
</tr>
</tbody>
</table>

**Step 2: Inventory Scholar Strengths/Talents**

Goals: Record scholar’s strengths, talents, learning styles, interests, and pertinent lived experiences to refer to when designing an intervention plan.

**Questions**
- What are the strengths/talents, learning styles, and interests of the scholar that can be useful in designing an intervention plan?
- What are the life tools/skills the scholar uses successfully outside of school that can be used to bridge learning in the classroom?
- What is the lived experience of the scholar? How can this information be used to better understand what’s going on in the classroom as wENL as bridge learning?

**Critical Considerations**

Staff need to keep in mind that ALL scholars come to school with prior knowledge and experiences. Although many of the lived experiences of scholars may differ from those of their teachers, team members must take the time to recognize the strengths that exist in them even when, on the surface, they may be perceived as deficits. Speaking with the scholar and parent/guardian to collect information about her/him would be essential prior to meeting.

<table>
<thead>
<tr>
<th>Indicators to Proceed to Step 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team members have identified scholar strengths based on scholar, parent, and teacher input.</td>
</tr>
</tbody>
</table>

**Step 3: Review Background and Baseline Data to Determine Root Causes of Scholar Performance**

Goals: Obtain a holistic view of the scholar in order to determine the root causes of the concerns described by the teacher/parent.

**Questions**
- Where is the scholar currently functioning according to the information provided?
- Have the tools used to measure scholar performance been validated with peers similar to the referring scholar?
- (Behavioral) What is occurring prior, during, and after the scholar engages in the targeted behavior(s)? What is the outcome for the scholar after she/he engages in the behavior? What is the frequency, duration, and/or intensity of the behavior(s)?
- If the scholar’s academic and/or behavioral performance is being compared to norms that culturally differ from the scholar, how will we address this in a sensitive and appropriate manner?
- Has attendance been an issue?
- What is the scholar’s medical, educational, and home life history?

**Classroom observations**
- What is the nature of the relationship between scholar and teacher?
- How are scholars supported?
- How does the teacher promote interest and motivation?
- What is the classroom culture?
- What can be concluded about scholars’ opportunities to learn?
- Based on all the information shared today, what appears to be causing the scholar's low performance? Is it possible that the curriculum, a program, teacher's method of instruction, and/or school context play a role in the scholar's performance? What measurable evidence exists to support root causes?
Critical Considerations
In order to complete this step thoroughly, the IST Coordinator and other team members should review all data and have a preliminary hypothesis of what they believe to be the root causes of the concerns brought to the IST by the teacher/parent. When presenting hypothesis, be careful to avoid presenting it as a predetermined decision. This can potentially turn-off or disengage parents/guardians.

Baseline academic and/or behavioral data needs to be plot charted on RtIM in order to determine current functioning and target goals. Take note of any suggestions for change in school-wide policies and practices that may arise during meetings and can be shared with administration.

Indicators to Proceed to Step 4
The team has identified the root cause(s) of the symptoms being displayed by the scholar based on measurable evidence.

Part B- Devising an Action Plan (10 mins)

Step 4: Set Academic and/or Behavioral Outcome Goals
Goals: Clearly define measurable, observable, and realistic goals for change based on identified root causes.

Questions
- Given the scholar’s current functioning, rate of progress and identified root causes, what is the long-term goal(s) (1-3) the team would like to see the scholar meet before the school year ends?
- What short-term goals/objectives (2-5 for each long-term goal) need to be accomplished in order to meet the long-term goal? Which objectives can be met in 6-8 weeks?
- Are all goals observable, measurable, and realistic?

Critical Considerations
Remind team members that when scholars are learning a new language, cultural references, etc. this is done with the perspective that the role of the school is to, first, value the cultural norms scholars bring before adding new language and other skills/concepts to their toolbox. At the same time, it would be wise for staff to become familiar with and consider the cultural norms scholars and parents bring with them into school when interacting and working with them. This is to avoid the traditional approach of getting scholars and parents to “conform” or “assimilate” by getting them to shed their cultural reference points.

The team may want to refer to the prescribed Rates of Weekly Progress for each academic area (i.e., Fuchs Guidelines).

Indicators to Proceed to Step 5
Goals and objectives are written in clear observable, measurable, and realistic terms and connect to root causes. All team members agree with identified goals.
### Step 5: Design an Instructional Plan

**Goals:** Design an instructional plan that 1) addresses the identified goals related to the needs of the scholar and teacher, and 2) integrates the scholar’s world experiences and other strengths to facilitate intervention effectiveness.

**Questions**
- Which tier 1 instructional methods are likely to achieve the identified goals? (Only refer to tier 2 and 3 supports after documentation of all possible tier 1 interventions have been implemented with fidelity with no success within a minimum of a 6-8 week period.)
- How do we account for culture and all other scholar strengths discussed in step 2 when designing interventions?
- What is the appropriate dosage, frequency and duration of the interventions/methods prescribed?
- What specialized training and/or materials are necessary to implement suggested plan of interventions?
- Who will be responsible for implementing the instructional plan?
- Who will coach/mentor the person(s) implementing the instructional plan?
- When and where will the interventions take place?
- How will the implementation of the interventions be tracked?

**Critical Considerations**
The intervention plan must include specific adult practices that need to be modified in order to change scholar outcomes.

**Indicators to Proceed to Step 6:**
The team has developed and agreed upon a clearly articulated instructional plan that 1) addresses the identified goals related to the needs of the scholar and teacher, and 2) integrates the scholar’s world experiences and other strengths to facilitate intervention effectiveness.

All questions listed above must be answered and agreed upon by all team members.

### Step 6: Design Method for Monitoring Progress

**Goals:** Identify a method of monitoring progress for each goal.

**Questions**
- How will we know when each goal has been met?
- How will data be collected and recorded?
- Who will collect the monitoring information?
- How frequent will the data be collected and evaluated to determine progress?
- Is the method used for collecting information sensitive to growth over a short period of time?
- What should the time period be between discovering that the instruction is not responsive to the scholar’s needs and developing a new instructional plan?

**Critical Considerations**
The team may consider using already existing teacher measures and/or intervention materials to monitor weekly growth. Data can be inputted and plot charted into RTIM.

**Indicators to Proceed to Step 7**
Each goal has a method of monitoring progress that is quantifiable.
Step 7: Plan How to Share Meeting Information with the Scholar’s Parent(s)

Goals: Agree on who will contact the parent(s) to share instructional plan and inform the parent(s) of the follow-up meeting.

General Questions
- What form of communication works best for the parent(s)?
- What role will the parent(s) play in helping to achieve the goals set forth?
- What type of training and/or supports are available for parents?
- Has the team made available to the parent an advocate that can assist the parent in understanding their rights as wENL as the details of this problem-solving process?

Critical Considerations
Parent engagement takes many forms other than physically showing up in school. Parents should have a voice in the decision-making process and are linked with supports whenever possible.

Indicators to Proceed to Step 8
Someone is identified for sharing with the parent(s) and ensuring the parent(s) is in agreement with all information and decisions made during the meeting.

Part C- Monitoring Scholar and Implementation Progress (5 mins)

Step 8: Review Instructional & Monitoring Plans
Goals: Review agreed upon instructional and monitoring plan and schedule follow-up meeting.

Questions
- How often will the assigned coach/mentor meet with the referring teacher to: review the instructional plan and provide in-class coaching assistance to ensure the plan is being implemented with fidelity?
- Will the team meet again to review scholar progress or close the case? (usually 6-8 weeks)

Critical Considerations
Rate of progress differs from scholar to scholar and may be impacted by many variables.

Attendance and Discipline Tracking Procedures

Discipline:

The following process is to be implemented and monitored by the Instructional Support Team (IST). All associated letters are to be sent under the direction of the Principal. All associated forms are to be generated by the IST Chairperson. The IST Chairperson, consulting with the building principal and/or team members, will review the building’s attendance on a monthly basis. The
Information Services Office will send a monthly, cumulative attendance report to the Chairperson’s attention. This report will list scholars with unexcused absences in 3, 7, 10 and 15-day increments.

DAY 3, 7, 10, 15 and 25 Letters:

Once a scholar has three unexcused absences in total, the ATTENDANCE MONITORING AND REPORTING PROCESS will begin. At each interval, absences may be cumulative and do not need to be sequential; the IST Chairperson will coordinate the development of the DAY 3, DAY 7, DAY 10, DAY 15 and Day 25 Letters to be mailed home. The Principal’s designee will be responsible for mailing the signed letter. A copy of the letter will be maintained in the scholar’s file and sent to the IST Chairperson. The IST Chairperson will also document that letters have been sent as an intervention on RTIIm Direct.

Faculty and Staff Intervention Procedures:

1. DAY 3 – With the accumulation of three absences, it is expected that the classroom teacher will have called the scholar’s home. The teacher may call at any time prior to the 3 day period. Once the IST Chairperson identifies that a scholar has been absent for 3 days a DAY 3 Letter will be generated to notify the parents.

2. DAY 7 – The building level Instructional Support Team will be available to discuss support measures and develop a plan to increase attendance. The meeting will be scheduled during a regular scheduled IST meeting or at another time during the day convenient to the faculty and parent.

3. DAY 10 – The IST will schedule a visit to the home to be conducted by the district attendance officer and/or building social worker.

4. DAY 15 – The building level Instructional Support Team will reconvene to discuss the lack of improved attendance. The IST Chairperson will notify the building principal or designee that Child Protective Services needs to be called and a report of educational neglect filed. PMS and PHS will send a Day 20 Letter for non-compulsory aged children.

5. Day 25 – The IST Chairperson will notify the building principal who will then inform the Superintendent or designee.

If at any time it becomes evident that the scholar no longer resides at the address listed in the electronic scholar management system, the building will
notify the Director of Research Testing and Evaluation using the existing processes or forms developed by the building.

Discipline:

The Information Services Office will send a monthly discipline report to the Chairperson's attention. This report will be disaggregated to review discipline trends by group (i.e. gender, race, etc.), type of infraction (i.e. disorderly conduct, insubordination, etc.), and various reporting details (i.e. reporter, time and location of infraction, etc.). This data will be used to develop building wide and individual scholar intervention plans.

Each building will develop Positive Behavior Interventions and Supports (PBIS) to support school wide goals. PBIS is a framework for enhancing adoption and implementation of continuum of evidence-based interventions to achieve academically and behaviorally important outcomes for all scholars. Effective classroom management and preventive school discipline are essential for supporting teaching and learning. PBIS goes further by emphasizing that classroom management and preventive school discipline must be integrated and working together with effective academic instruction in a positive and safe school climate to maximize success for all scholars.

**Functional Behavior Assessment and Behavior Intervention Plan Defined**

The Functional Behavior Assessment Process is a problem-solving process where chronic, educationally and or environmentally disruptive scholar behaviors are assessed in terms what causes and maintains the behavior or behaviors. This type of assessment leads the observer beyond the “symptom” (the behavior) to the scholar’s underlying motivation (escape, avoid, or gain something). FBA should only be completed for recurrent behaviors. The completion of an FBA is a multi-disciplinary team process and should be facilitated through the Instructional Support Team and led by the School Psychologist.

The FBA should:

- Define the behavior in specific, observable, and measurable terms.
- Contain a review of educationally relevant background information, including previously implemented interventions and their effect on the target behavior.
- Include parental participation.
- Establish baseline data in order to aid in accurately describing frequency, intensity and duration and latency of the target behavior across multiple times of day, settings, and staff members.
- Indicate what purpose or “function” the behavior serves for the scholar.
- Indicate scholar strengths and preferences.
- Identify whether the presence of the behavior is due to a skill deficit or a performance deficit.
- Include a global hypothesis statement outlining the target behavior, what triggers the behavior and what the scholar is attempting to get by engaging in the behavior.

A Behavior Intervention Plan (BIP) is a specific plan of action created to positively impact a given scholar’s behavior. It is a formal way to suggest strategies that are aimed at both preventing maladaptive behaviors from occurring while simultaneously teaching the scholar skills to replace the maladaptive behaviors that they have been using to gain a desired outcome. The plan must be specific, clearly stated and include the following elements:

- An observable and measurable description of the behavior being targeted for replacement.
- A description of the prevention strategies that will be used including who will be involved, specific procedures that will be followed and
- an explanation of how data will be collected a schedule for when/how often the plan will be reviewed to determine its effectiveness.
- A process and schedule for communicating progress with parents/guardians.
- A description of the behavior that will replace the inappropriate behavior (this is called the replacement behavior) and procedures for teaching the replacement behavior.
- A measurable description of the behavior changes you expect to see.
- A description of how the success of the interventions will be measured.
- A description of when and how information will be shared between home and school.
- A description of how the scholar’s behavior will be handled should it reach crisis proportions (Crisis plan).
- A list of the scholar’s strengths and abilities.
• Important information about the scholar that could impact the plan.

• The global hypothesis statement describing the function (purpose) of the targeted behavior (from the FBA).

**Functional Behavior Assessment Team Process**

1. When a scholar is presenting with chronic challenging behaviors that are not responsive to classroom behavior management strategies, identify the most disruptive behavior to target for intervention. Consult the school psychologist or social worker (by email) regarding concerns. Implement and progress monitor suggested intervention for at least 4 weeks (tools should be provided by consultant).

2. If behaviors persist, open an intervention on RtIM direct documenting the reason for referral and specific interventions implemented. Email the IST Chairperson and an IST meeting will be scheduled as soon as possible.

3. As per the IST process, a structured observation of the scholar will be conducted prior to the scheduling of a meeting. If an FBA is needed the District CSE MUST initiate the process by requesting consent to evaluate and providing a prior written notice describing the evaluation process, what other options were considered, and what the reason for the FBA being conducted is.

4. The classroom teacher should be prepared to present and discuss the following documentation at the FBA planning/IST meeting:
   • Discipline records
   • Attendance
   • Progress monitoring data from previous interventions
   • Information regarding home-school communication
   • Most recent report cards (including Title I and/or ESL)
   • Information about scholar preferences and learning style
   • Information regarding the target behavior in relevant settings outside of the classroom (specials, cafeteria, playground, hallway).
   • Interview with the scholar wherever possible
   • Interview with the guardians
5. The team must determine what additional data is needed and who will be responsible for collecting it. The IST Chairperson will take note of tasks and responsible parties. Meeting notes will be available for review on RtIM direct but it is each team member’s responsibility to know what task/s they are responsible to complete.

- Additional data include but is not limited to; collection of baseline data (across multiple settings, staff, and times of day), behavior rating scales, reinforcer surveys, motivation scales, interviews with community service providers, and medical information.

- The team must set the date to meet to complete the FBA (ideally 2 weeks after planning meeting). All follow-up tasks must be complete in order to move forward.

6. During the FBA meeting the school psychologist facilitates completion of the FBA form with the input of the team members. Information input on to the form must be data-driven based on documents that are present at the meeting. The team must make determination of the need for a formal BIP.

7. If it is determined that a formal BIP is needed, it can either be completed at the current FBA meeting, if time permits, or a meeting must be scheduled as soon as possible.

8. Development of the BIP and completion of the BIP form will be facilitated by the school psychologist during a team meeting. Once the BIP is complete it will be given to all participants of the meeting. The classroom teacher will be responsible for distributing to any relevant staff who did not attend the meeting with a brief verbal explanation of the plan. A copy will be kept in the scholar’s IST file and if the FBA/BIP was recommended by the CSE, a copy will be forwarded to Scholar Services by the IST Chairperson.

9. It is very important, once the team completes a behavior intervention plan that everyone involved agree to implement it with fidelity. If even one person feels he/she is unable to support the plan, it needs to be revisited. Inconsistent application of any intervention is likely to result in an increase in the targeted inappropriate behavior or result in the presentation of new inappropriate behaviors.

10. Progress Monitoring of the BIP needs to be completed at least monthly using the data collected as a part of the plan. Regular reporting of this progress monitoring shall be made to the scholar’s guardians, which will include both the data used in the decision making as well as the decisions themselves. The data will be represented in both numerical and graph form in the style of N 1 research, or single subject design data, with phase changes clearly identified for the parents to see where interventions or conditions changed. An example of such graph is included below.
Response to Intervention Websites and Links

American Federation of Teachers – teacher tools and resources

http://www.aftacts.org/tools-for-teachers

Center on Instruction: Information on Research-based Instruction

http://www.centeroninstruction.org/

Colorin Colorado: Helping children read and succeed (bilingual for parents and teachers)

http://www.colorincolorado.org/

Doing What Works: Researched-based Educational Practices On-line

http://www2.ed.gov/nclb/methods/whatworks/edpicks.jhtml

Florida Center for Reading Research

http://www.fcrr.org

Florida’s Multi-tiered System of Supports

http://www.florida-rti.org/

Great Schools: Involved parents. Successful kids.

http://www.greatschools.org/

Jim Wrights Intervention Central – RTI Resources

http://www.interventioncentral.org

Kansas MTSS Project

http://ksdetasn.org/mtss/

Khan Academy – Online Video Tutor

http://www.khanacademy.org/

Michigan Department of Education Multi-tiered System of Supports
Missouri Multi-tiered Systems of Support (MO-MTSS)

https://www.moedu-sail.org/about-mtss/

National Association of School Psychologists – academic and behavioral interventions

http://www.nasponline.org/resources/completetopiclist.aspx

National Center on Response to Intervention

http://rti4success.org/

National Center on Student Progress Monitoring

http://www.studentprogress.org/default.asp

NYS Response to Intervention Technical Assistance Center

http://www.nysrti.org/

PBS Documentary companion site on learning differences and disabilities (academics)

http://www.pbs.org/wgbh/misunderstoodminds/

Reading Rockets: Launching Young Readers

http://www.readingrockets.org/strategies/

RtI Action Network – RTI resources

http://rtinetwork.org

The Iris Center at Vanderbilt College (Evidence Based Practices)
http://iris.peabody.vanderbilt.edu/ebp_summaries/

The Iris Center at Vanderbilt College (FBA Module)
http://iris.peabody.vanderbilt.edu/module/fba/#content

Univ. of Texas: Vaughn Gross Center for Reading and Language Arts

http://meadowscenter.org/vgc/materials
University of Oregon: Big Ideas in Beginning Reading

http://reading.uoregon.edu/
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- Special Education

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- New York State Reading Association (NYSRA)
- School Administrators Association of New York State (NYS) (SAANYS)
- New York State United Teachers (NYSUT)
- United Federation of Teachers of New York City (UFT)
- NYS Special Education Parent Centers
- NYS Association of School Psychologists (NYASP)
- Council of NYS Special Education Administrators (CNYSEA)
- Learning Disabilities Association of NYS (LDA-NYS)
- NYS School Boards Association (NYSSBA)
- NYS Association of Teacher Educators (NYSATE)
- NYS Association of Colleges of Teacher Education (NYACTE)
- Bilingual/English as Second Language Committee of Practitioners

Thank you to Dr. Theresa Janczak, the Director of the RtI - Technical Assistance Center (RtI-TAC), for her valuable contributions to the development of this document. Her review, edits, and suggested additions to text and resources were very helpful in our endeavor to make the document as thorough as possible.

We would also like to thank Dr. Sarita Samora, who was the lead author of the chapter on limited English proficient (LEP)/English language learner (ELL) students. Dr. Samora is Professor Emeritus of Bilingual Special Education, State University College of Buffalo.
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Appendix A: New York State Regulatory Policy Framework for Response to Intervention

Appendix B: Documentation of the Determination of Eligibility for a Student Suspected of Having a Learning Disability

Appendix C: Readings and References
Introduction

Response to Intervention (RtI) is the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions about an individual student. (NASDSE, 2006)

RtI represents an important educational strategy to close achievement gaps for all students, including students at risk, students with disabilities and English language learners, by preventing smaller learning problems from becoming insurmountable gaps. It has also been shown to lead to more appropriate identification of and interventions with students with learning disabilities. Each day educators make important decisions about students’ educational programs, including decisions as to whether a student who is struggling to meet the standards set for all students might need changes in the nature of early intervention and instruction or might have a learning disability. This decision as to whether a student has a learning disability must be based on extensive and accurate information that leads to the determination that the student's learning difficulties are not the result of the instructional program or approach. RtI is an effective and instructionally relevant process to inform these decisions.

The New York State Education Department (NYSED) has established a regulatory policy framework for RtI in relation to school-wide screenings, minimum components of RtI programs, parent notification and use of RtI in the identification of students with learning disabilities. The Regents policy establishes RtI as a school-wide system of organizing instruction and support resources to deliver high quality instruction to meet the diverse needs of learners.

RtI begins with high quality research-based instruction in the general education setting provided by the general education teacher. Instruction is matched to student need through provision of differentiated instruction in the core curriculum and supplemental intervention delivered in a multi-tier format with increasing levels of intensity and targeted focus of instruction. As a consequence of school-wide screenings of all students and progress monitoring, students who have not mastered critical skills or who are not making satisfactory progress can be identified for supplemental intervention. If the student continues not to make sufficient progress after receiving the most intensive level of instructional intervention, it may be determined that a referral for a comprehensive evaluation to determine eligibility for special education is needed.

Reading in the early grades is a primary focus of the RtI process, as this is the area in which most of the research is available and the curriculum area in which the most students are identified with learning difficulties. However, the process of data-based decision making and the principles of RtI can apply to other content areas as well as to behavioral issues that impact learning.

There are several areas of regulatory requirements in which screening, assessment and the provision of appropriate instruction are outlined reflecting the principles of RtI. It is the integration of these requirements that forms New York’s policy
framework for school districts to use to systematize effective educational practice. These regulations, which are included in Appendix A, include:

- Part 117 – School-wide Screening Requirements
- Part 200 – Requirements for Written Board of Education Administrative Policies and Practices
- Part 100 – Required Components of an RtI Program
- Part 200 – Requirements for Procedures for Determining if a Student Has a Learning Disability

The purpose of this guidance document is to describe features or components of an effective RtI model by defining RtI as a multi-tiered early prevention system designed to improve outcomes for all students. The chapters of this document provide guidance on:

- minimum requirements of an RtI program:
  - appropriate instruction,
  - screenings applied to all students,
  - instruction matched to student needs,
  - repeated assessments of student achievement,
  - application of student information to make educational decisions, and
  - notification to parents;
- school district selection of a specific structure and its components;
- staff knowledge and skills needed to implement an RtI program; and
- use of RtI data in determining if a student has a learning disability.

In general, each chapter presents regulatory requirements, followed by guidance, quality indicators, and tools to assist districts in selecting a specific structure and model. Appendices include information on references and resources, regulatory policy framework, and a sample form for documenting procedures for determining if a student has a learning disability. This guidance document should be used in conjunction with information provided by the New York State Response to Intervention Technical Assistance Center (NYS RtI TAC) on their website at www.nysrti.org. The charts at the end of each chapter (reprinted with permission from Mellard and Johnson, A Practitioner’s Guide to Implementing Response to Intervention, 2008) are intended to assist districts to identify the essential tasks to be considered when implementing the various features of the RtI process.

For purposes of this document, the RtI process is described as having three tiers. The RtI framework supports both academic and behavioral support, and schools should implement positive behavior support models which are closely related to RtI. However, the primary focus of this document is on the academic instructional aspects of RtI.

This nonregulatory guidance does not impose any requirements beyond those required under applicable law and regulations. The guidance is intended to reflect the current thinking on this topic as of the publication date.
Minimum Requirements of a Response to Intervention Program (RtI)

I. **APPROPRIATE INSTRUCTION**

<table>
<thead>
<tr>
<th>A school district’s process to determine if a student responds to scientific, research-based instruction shall include <strong>appropriate instruction</strong> delivered to all students in the general education class by qualified personnel. Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.</th>
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<tr>
<td>[8 NYCRR §100.2(ii)(1)(i)]</td>
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<tr>
<th>APPROPRIATE INSTRUCTION DELIVERED TO ALL STUDENTS IN THE GENERAL EDUCATION CLASS BY QUALIFIED PERSONNEL</th>
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<tr>
<td>Appropriate instruction begins with the core program that provides:</td>
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<tr>
<td>• high quality, research-based instruction to all students in the general education class provided by qualified teachers;</td>
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<tr>
<td>• differentiated instruction(^1) to meet the wide range of student needs;</td>
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<tr>
<td>• curriculum that is aligned to the State learning standards and grade level performance indicators for all general education subjects; and</td>
</tr>
<tr>
<td>• instructional strategies that utilize a formative assessment process.</td>
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</table>

It is recommended that schools use the New York State (NYS) curriculum guides to ensure that curriculum is aligned to NYS learning standards. These can be found at [http://www.p12.nysed.gov/ciai/cores.html](http://www.p12.nysed.gov/ciai/cores.html).

The New York State Education Department (NYSED) has posted a series of standardized and research-based *Quality Indicator Review and Resource Guides* on its website. These guides can be used to assess the quality of a school district’s instructional programs and practices in the areas of literacy and special education instructional practices. These are available at [http://www.p12.nysed.gov/specialed/techassist/QIcover.htm](http://www.p12.nysed.gov/specialed/techassist/QIcover.htm).

It is beyond the scope of this document to provide extensive information on effective instructional strategies for all content areas. Rather, information and links to available resources have been identified for in-depth information on research-based practices to assist schools in making those decisions.

<table>
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<tr>
<th>APPROPRIATE INSTRUCTION IN</th>
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<tr>
<td>Appropriate instruction in reading means explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.</td>
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</table>

\(^1\)For information on differentiated instruction, see [http://www.cast.org/publications/ncac/ncac_diffinstructudl.html#definition](http://www.cast.org/publications/ncac/ncac_diffinstructudl.html#definition).
### READING

Development, reading fluency (including oral reading skills) and reading comprehension strategies.[8NYCRR 100.2(ii) and 200.4(c)(2)(i)]

For high quality early literacy instruction, the core reading program should minimally be scheduled for an uninterrupted 90 minute block of instruction daily.

### APPROPRIATE INSTRUCTION IN MATHEMATICS

Appropriate instruction in mathematics includes instruction in problem-solving, arithmetic skill and fluency, conceptual knowledge/number sense and reasoning ability.


Additional resources for appropriate instruction in mathematics include, but are not limited to, the Institute of Education Sciences (IES) Practice Guide from What Works Clearinghouse, which offers eight recommendations for identifying and supporting students struggling in mathematics, intended to be implemented within an RtI framework and the guide “Assisting Students Struggling with Mathematics: Response to Intervention (RtI) for Elementary and Middle Schools” which can be found at [http://ies.ed.gov/ncee/wwc/pdf/practiceguides/rti_math_pg_042109.pdf](http://ies.ed.gov/ncee/wwc/pdf/practiceguides/rti_math_pg_042109.pdf).

### BEHAVIORAL SUPPORTS AND INTERVENTIONS

Appropriate behavioral supports and intervention is evidenced by a school-wide positive behavioral system which reflects a systems approach to discipline that emphasizes prevention and data-based decision-making to both reduce problem behavior and improve academic performance. NYSED has posted a series of standardized and research-based *Quality Indicator Review and Resource Guides*, which can be used to assess the quality of a school district’s practices in the area of behavioral supports and intervention on its website at [http://www.p12.nysed.gov/specialed/techassist/behaviorQI.htm](http://www.p12.nysed.gov/specialed/techassist/behaviorQI.htm). For additional resources on Positive Behavioral Intervention and Supports (PBIS) see [http://www.pbis.org/](http://www.pbis.org/).

While this document focuses on the academic instructional components of RtI, the RtI framework is intended to support both academic and behavioral systems and schools are encouraged to implement both academic and behavioral aspects of an RtI framework as illustrated below:
**CULTURALLY RESPONSIVE INSTRUCTION**

Culturally responsive instruction uses the cultural knowledge, prior experiences, performance styles and strengths of students from diverse backgrounds to make learning more appropriate and effective for them. Culturally responsive teaching incorporates multicultural information, resources, and materials in all the subjects and skills routinely taught in schools.

The Center for Research on Education, Diversity and Excellence (CREDE) CREDE has developed “Five Standards for Effective Pedagogy” with research supporting the adherence to these standards. One of these standards requires connecting teaching and curriculum to student’s experiences and skills of home and community. For indicators of contextualization see [http://crede.berkeley.edu](http://crede.berkeley.edu).

Another CREDE standard for effective pedagogy includes developing competence in the language and literacy of instruction across the curriculum. “Whether instruction is bilingual or monolingual, literacy is the most fundamental competency necessary for school success.” Language appropriate instruction should include “interacting with students in ways that respect students’ preferences for speaking that may be different from the teacher’s...” and “encouraging students’ use of first and second languages in instructional activities.” See [http://crede.berkeley.edu/research/crede/lang_dev.html](http://crede.berkeley.edu/research/crede/lang_dev.html).

Also, see Chapter VI for additional information and resources.

**LINGUISTICALLY APPROPRIATE INSTRUCTION**

Appropriate instruction for limited English proficient/English language learners (LEP/ELL) students must be both culturally responsive and linguistically appropriate. This includes research-
based instruction that has been validated with LEP/ELL students and bilingual and English as a second language (ESL) instruction, at levels pursuant to Part 154 of the Regulations of the Commissioner of Education. It is also important to determine if adequate support in English language development has been provided and to what extent a student may be struggling due to their lack of proficiency in English.

The same basic requirements for implementing RtI with all general education students apply to situations in which cultural and linguistic diversity may be a factor: screening, progress monitoring, qualified instructors (for reading/literacy and content areas, including instructors providing English language arts (ELA), ESL and bilingual instruction), and application of instruction and interventions with fidelity.

See Chapter VI, *Considerations when Implementing RtI with Limited English Proficient/English Language Learners.*

**Scientifically-based research** Instructional methods based on scientific research identify those practices that demonstrate high learning rates and improved academic performance for most students. Scientifically-based research:

- employs systematic, empirical methods that draw on observation or experiment;
- involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions;
- relies on measurements or observational methods that provide valid data across evaluators and observers, and across multiple measurements and observations; and
- has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparatively rigorous, objective and scientific review. [No Child Left Behind (NCLB) Act of 2001]
Quality Indicators for Appropriate Instruction

- Research/evidence-based instruction that has shown to be effective is provided to all students.
- Scientific research-based reading instruction includes an uninterrupted block of 90 minutes of daily explicit and systematic instruction in phonemic awareness, phonics, vocabulary development at all grade levels, reading fluency (including oral reading skills) and reading comprehension strategies.
- Scientific research-based math instruction includes instruction in problem-solving, arithmetic skill/fluency, conceptual knowledge/number sense and reasoning ability.
- Curriculum is aligned to the State learning standards and grade level performance indicators.
- Instruction is provided by qualified personnel and trained staff.
- Differentiated instruction is used to meet a wide range of student needs.
- Professional development is provided to ensure fidelity of implementation.
- Instructional strategies/programs are implemented with fidelity.
- Instruction is culturally and linguistically responsive to the language and learning needs of students whose first language is not English.
II. SCREENINGS APPLIED TO ALL STUDENTS IN THE CLASS

A school district's process to determine if a student responds to scientific, research-based instruction shall include **screenings** applied to all students in the class to identify those students who are not making academic progress at expected rates.

[8NYCRR §100.2(ii)(1)(ii)]

**SCREENINGS**

Screening is an assessment procedure characterized by brief, efficient, repeatable testing of age-appropriate academic skills (e.g., identifying letters of the alphabet or reading a list of high frequency words) or behaviors. Screenings are conducted for the purposes of initially identifying students who are “at-risk” for academic failure and who may require closer monitoring and/or further assessment.

Section 117.3 of the Regulations of the Commissioner of Education requires that students with low test scores be monitored periodically through screenings and on-going assessments of the student’s reading and mathematic abilities and skills. (see Appendix A).

Screenings of all students should be conducted three times per academic year (fall, winter, spring) to help ensure the early identification of students potentially at risk and the areas in which they may experience difficulty.

Screening instruments should be valid and reliable and aligned with grade-level curriculum based on the NYS learning standards.


**USING SCREENING DATA**

Using recognized and research-validated screening assessments and guided by the recommendations of the tools’ developers, the school district determines the levels of typical, at risk, and seriously at risk performance. This information is used by teachers to determine which students need to be closely monitored for learning difficulties, including further individualized assessment to determine the need for supplemental instruction.

A standard procedure for using screening data to determine if a student responds to scientific, research-based instruction includes either establishing:

1. the cut points at which risk is determined (e.g., establishing risk identification of students who score below a norm-referenced cut-point (such as less than the 25th percentile on a standardized reading test) or
2. a pattern of performance (e.g., identifying students who score below a performance benchmark associated with poor long-term outcome (such as less than 15 on curriculum-based measurement (CBM) word identification fluency at the beginning of first grade).

The way screening results are used to identify a student in need of additional instruction or intervention may vary as a function of the model employed: direct route or progress monitoring route. In a direct route model, students who are identified as at-risk from a screening assessment are provided with additional or supplemental intervention immediately. In contrast, schools that use a progress monitoring route model, initially identify a student as at-risk based on results from a screening process and continue to progress monitor those students on a weekly basis for five or six weeks to confirm or disprove initial risk status. Typically, schools that employ a progress monitoring route model will also differentiate instruction for those students identified as at-risk during core instruction while additional progress monitoring data are obtained. (Jenkins, J., & Johnson, E. 2008)

SUGGESTED PROCEDURES FOR SCREENINGS USED DURING THE RTI PROCESS

- Select a screening tool(s) relevant to the skills being tested and the age/grade level of the student being assessed based on the curriculum aligned with the State learning standards.
- Establish a yearly, school-wide schedule for screening procedures to ensure that the screenings are completed consistently and reliably.
- Provide school-wide training focusing on standardized administration of screening tool(s) and interpretation of results.
- Identify students who fall below the established cut-point or benchmark.
- Determine how to use screening results: direct route model versus progress monitoring route with or without differentiation in core instruction.
- If using the progress monitoring route, confirm students’ risk status on school-wide screening by conducting at least five weeks of weekly monitoring of the student’s response to the core instructional program. Consider evidence of poor rates of improvement after receiving appropriate instruction over five to eight weeks in core instruction as confirming the need for supplemental intervention.
- Use grade level teams to review screening results to
determine what changes or interventions are appropriate for
the students identified.

✓ Analyze screening data to determine the effectiveness of the
core curriculum and instruction and the areas in which
professional development may be needed. Generally, if more
than 20 percent of all students are not achieving or making
adequate progress toward established benchmarks, this may
be an indication that the school should evaluate its overall
curriculum and instructional program. If less than 20 percent
of students are not making adequate progress, it may be
assumed that the core program is adequate, and identification
of students at risk is needed to provide additional
interventions for those students.

**PARENT PARTICIPATION**

Parents of all students should be notified of school-wide
screening results. In addition, parents of students who are
identified as at risk and who will be provided supplemental
intervention must receive written notification, consistent with
section 100.2(ii)(1)(vi) of the Regulations of the Commissioner of
Education which includes the:
- amount and nature of data that will be used to monitor a
  student’s progress;
- strategies to increase the student’s rate of learning; and
- parent’s right to refer the student for special education
  services.

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**Quality Indicators for School-Wide Screening**

- School-wide screenings occur at least three times during the course of an academic
  year (fall, winter, spring).
- Screening instrument items are aligned with the curriculum based on the NYS
  learning standards for each grade level.
- Each screening instrument meets reliability and validity standards associated with
  psychometrically sound measurements.
- Professional development is provided to ensure fidelity of implementation, scoring
  and interpretation of results.
- Screening is administered school-wide or at least to 95 percent of all students.
- Cut-scores are established that identify students who are performing at benchmark,
  at-risk and seriously at-risk levels.
- Results of screenings are used to determine which students are considered at-risk
  and need further monitoring and assessment.
- Screening results are used to determine effectiveness of core curriculum and
  instruction.
## Essential Task List for School-Wide Screening

Directions: In the second column, write the name of the individual or team who will assume responsibility for the task identified in the first column. In the third column, write the deadline for or status of the task. Complete each task identified.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Individual/Team</th>
<th>Timeline/Status</th>
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<tbody>
<tr>
<td>Select a screening instrument or review existing screening tools to be certain that content (test items) is aligned with the curriculum for each grade level.</td>
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<tr>
<td>Secure human and materials resources needed for accurate and efficient administration.</td>
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<td>Determine initial and periodic professional development needs to ensure standardization and accurate administration of screening instruction.</td>
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<tr>
<td>Administer the screening measure three times a year (e.g., early fall, mid-term, and late spring).</td>
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<tr>
<td>Establish a database that stores student information and scores and allows for trend analysis.</td>
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<tr>
<td>Organize the screening results (e.g., graphs and tables) to provide a profile of all students and their comparisons with each other.</td>
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<tr>
<td>Monitor results at the classroom level and make decisions about when teachers/instructional programs require more scrutiny and support.</td>
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<tr>
<td>Analyze screening results to identify students who fall below established cut-points and are considered at-risk.</td>
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<tr>
<td>Establish procedures to continue progress monitoring at-risk students.</td>
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<tr>
<td>Analyze results at the classroom level to determine strengths and possible weaknesses of core curriculum and instruction.</td>
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<tr>
<td>Use screening results to support changes to core curriculum or instruction.</td>
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III. **INSTRUCTION MATCHED TO STUDENT NEED**

A school district’s process to determine if a student responds to scientific, research-based instruction shall include *instruction matched to student need* with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

### [8NYCRR §100.2(ii)(1)(iii)]

#### MULTI-TIER SERVICE DELIVERY MODEL

When students are identified through screening, progress monitoring or other on-going assessment procedures as not making sufficient or satisfactory progress, the school’s multi-tier service delivery model provides a range of supplemental instructional interventions with increasing levels of intensity to address these needs. The various tiers include distinguishing features such as:

- size of instructional group,
- mastery requirements for content,
- frequency and focus of screening,
- duration of the intervention,
- frequency and focus of progress monitoring,
- frequency of intervention provided, and
- the instructor’s qualifications.

A multi-tiered system can be viewed as layers of increasingly intense intervention that respond to student-specific needs (a continuum of instructional support provided to a student). The number of tiers may vary depending upon the individual school and resources available. For purposes of this document, a three-tier model will be described.

#### LEVELS OF INTERVENTION:

**Tier 1**

Tier 1 is commonly identified as the core instructional program provided to all students by the general education teacher in the general education classroom. Research-based instruction and positive behavior intervention and supports are part of the core program. A school/district’s core program (Tier 1) should minimally include:

- core curriculum aligned to the NYS learning standards;
- appropriate instruction and research-based instructional interventions that meets the needs of at least 80 percent of all learners;
- universal screening administered to all students in the general education classroom three times per year;
- weekly progress monitoring of students initially identified as at-risk for five or six weeks;
- differentiated instruction based on the abilities and needs of all students in the core program; and
- a daily uninterrupted 90 minute block of instruction in reading.
District policies and practices should ensure that parents are informed of curriculum goals and methods of instruction.

Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies.

As indicated in Chapter I, the foundation of core instruction for LEP/ELL students should be both culturally responsive and linguistically appropriate. Tier 1 appropriate instruction for LEP/ELL students must include bilingual and ESL instruction, at levels pursuant to Part 154 of the Regulations of the Commissioner of Education.

**LEVELS OF INTERVENTION:**

**Tier 2**

Tier 2 intervention is typically small group (3-5) supplemental instruction. This supplemental instructional intervention is provided in addition to, and not in place of, the core instruction provided in Tier 1. For example, a student who is receiving Tier 2 intervention would be provided core instruction plus 20-30 minutes of supplemental interventions three to five days per week. Tier 2 interventions focus on the areas of student need or weakness that are identified in the screening, assessment or progress monitoring reports from Tier 1. Therefore, students are often grouped according to instructional need. Approximately 5 to 10 percent of students in a class receive Tier 2 intervention.

The location of Tier 2 intervention is determined by the school. It may take place in the general education classroom or in an alternate location outside of the general education classroom. The determination of which interventions will be provided to an individual student is made by either a problem-solving process or a standard treatment protocol. (See Chapter V on the decision-making process.) Tier 2 interventions should be supported by research and vary by curriculum focus, group size, frequency, and duration. Individual student needs affect the determination of these variables.

In Tier 2, direct, systematic instruction provides more teacher-directed instruction, carefully structured and sequenced to an individual student, than was provided in Tier 1. The determination of a student’s achievement is well defined and mastery is achieved before moving on to the next step in the sequence.

Progress monitoring occurs more frequently in Tier 2 and may vary from once every two weeks to once a week using
Curriculum-Based Measurement (CBM)\textsuperscript{2} that measure targeted skills. Periodic checks to ensure that the delivery of instruction was provided in the way it was intended (fidelity checks) are conducted for the purposes of determining how closely the intervention or instruction is implemented to the way it was designed.

The recommended length of time a student spends in the second tier of intervention will vary from approximately nine to 30 weeks, depending on such factors as the skill set to be learned, rate of student’s progress, whether the student is making adequate progress according to the standard protocol established prior to initiation of the intervention, the student’s age and/or developmental level. When progress monitoring of a Tier 2 intervention indicates lack of adequate response, schools should consider adjusting the intervention in terms of intensity.

### Levels of Intervention: Tier 3

Tier 3 intervention is designed for those students who demonstrate insufficient progress in Tier 2. Tier 3 is typically reserved for approximately one to five percent of students in a class who will receive more intensive instruction in addition to their core instruction. Tier 3 differs from Tier 2 instruction in terms of such factors as time, duration, group size, frequency of progress monitoring and focus. This tier provides greater individualized instruction in a small group setting (generally one to two students at a time) anywhere from 30 to 60 minutes at a minimum of four days per week. The progress of students at Tier 3 is monitored more frequently, at least once a week, to determine the student’s response to intervention. Instruction is provided by school personnel who are highly skilled or trained in the areas of academic need indicated by student performance data. The setting for Tier 3 intervention is determined by school personnel. It is important to note that Tier 3 is considered supplemental instruction to Tier 1 and is not intended to replace Tier 1 instruction. Similar to Tier 2, school personnel must conduct regular fidelity checks to determine if the intervention was implemented the way it was intended.

### Parent Notification

In accordance with section 100.2(ii) of the Regulations of the Commissioner of Education, when a student requires an intervention beyond that provided to all students and begins receiving Tier 2 intervention, parents must be notified in writing of the:

- amount and nature of data that will be collected and the

\textsuperscript{2} Curriculum-Based Measurement (CBM) is a method teachers use to find out how students are progressing in basic academic areas such as math, reading, writing, and spelling. (The National Center on Student Progress Monitoring: [http://www.studentprogress.org/families.asp](http://www.studentprogress.org/families.asp)).
general education services that will be provided;
• strategies to increase the student’s rate of learning; and
• parent’s right to request an evaluation for special education programs and/or services.

It is important that schools keep parents informed of the student’s progress based upon progress monitoring data collected within each tier. This is consistent with section 200.4(j) of the Regulations of the Commissioner of Education, which requires the parent of a student suspected of having a learning disability to receive data-based documentation of the student’s achievement at reasonable intervals reflecting formal assessment of a student’s progress during instruction.

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<th>Quality Indicators for Multi-Level System</th>
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<tbody>
<tr>
<td>➢ Each tier provides increasing levels of intensity of services that match the increasing needs of students.</td>
</tr>
<tr>
<td>➢ Various factors distinguish each level or tier including duration and frequency of interventions, group size and frequency of progress monitoring.</td>
</tr>
<tr>
<td>➢ Levels beyond Tier 1 represent supplemental intervention/instruction provided in addition to the core instructional program provided by qualified staff.</td>
</tr>
<tr>
<td>➢ Interventions/instruction provided at each tier have evidence of effectiveness for the student population used.</td>
</tr>
<tr>
<td>➢ Instruction matched to student need is based upon progress monitoring data and diagnostic data if deemed necessary.</td>
</tr>
<tr>
<td>➢ Procedures and decision-making rules for determining a student’s movement from tier to tier are established and based on progress monitoring data.</td>
</tr>
<tr>
<td>➢ Treatment fidelity procedures are designed and implemented to help monitor accuracy of interventions and assessment procedures.</td>
</tr>
<tr>
<td>➢ Periodic checks are conducted to determine how closely the intervention or instruction was delivered in the way it was intended.</td>
</tr>
<tr>
<td>➢ Parents are informed of increasing levels of instructional supplemental services including progress monitoring data, strategies used to increase student’s rate of learning and right to refer for special education services.</td>
</tr>
</tbody>
</table>
Table: Description of Critical Elements in a 3-Tier RtI Model

The following table outlines the essential features of a three-tier model of RtI including suggested ranges of frequency and duration of screening, interventions and progress monitoring. This is intended as guidance for districts as they determine the various components of their RtI model.

<table>
<thead>
<tr>
<th>Elements</th>
<th>Tier 1 Core Curriculum and Instruction</th>
<th>Tier 2 Supplemental Instruction</th>
<th>Tier 3 Increased Levels of Supplemental Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of instructional group</td>
<td>Whole class grouping</td>
<td>Small group instruction (3-5 students)</td>
<td>Individualized or small group instruction (1-2 students)</td>
</tr>
<tr>
<td>Mastery requirements of content</td>
<td>Relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring</td>
<td>Relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring</td>
<td>Relative to the student’s level of performance and continued growth as demonstrated by progress monitoring.</td>
</tr>
<tr>
<td>Frequency of progress monitoring</td>
<td>Screening measures three times per year</td>
<td>Varies, but no less than once every two weeks</td>
<td>Varies, but more continuous and no less than once a week</td>
</tr>
<tr>
<td>Frequency of intervention provided</td>
<td>Per school schedule</td>
<td>Varies, but no less than three times per week for a minimum of 20-30 minutes per session</td>
<td>Varies, but more frequently than Tier 2 for a minimum of 30 minutes per session</td>
</tr>
<tr>
<td>Duration of intervention</td>
<td>School year</td>
<td>9-30 weeks</td>
<td>A minimum of 15-20 weeks</td>
</tr>
</tbody>
</table>

Adapted and reprinted with permission from Johnson, E., Mellard, D., Fuchs, D., McKnight, M. for NRCLD (2006, August) Responsiveness to Intervention (RtI): How to Do It
## Essential Task List for Tier 1 Instruction

Directions: In the second column, write the name of the individual or team who will assume responsibility for the task identified in the first column. In the third column, write the deadline for or status of the task. Complete each task identified.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Individual/Team</th>
<th>Timeline/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify scientifically based instructional programs in reading, writing, and math.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Select evidence-based curricula /interventions and resources to accompany core instructional programs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopt a system to measure fidelity of implementation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Select and implement a school-wide academic and behavior screening program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify team and process (direct route vs. progress monitoring route) to manage screening results.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish data-collection system and implement systematic monitoring of student progress (such as curriculum-based measurement) to determine both level and growth rate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify team and process to analyze progress monitoring results.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop decision rules (including cut scores) to determine which students are at risk and require more intense instructional support.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop a program of continuous, rigorous professional development experiences related to scientifically based curriculum and teaching practices, progress monitoring, implementing practices with fidelity, and data-based decision-making.</td>
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</tr>
<tr>
<td>Develop and implement a process for collaborating with the problem-solving team and monitoring student movement between Tier 1 and Tier 2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decide when to initiate parent involvement.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

# Essential Task List for Tier 2 and Beyond

Directions: In the second column, write the name of the individual or team who will assume responsibility for the task identified in the first column. In the third column, write the deadline for or status of the task. Complete each task identified.

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Individual/Team</th>
<th>Timeline/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify structure or make-up of problem-solving team.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Select resources, curricula, and interventions for use with standard protocol approach in reading (decoding and comprehension), math, and writing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create and continue the development of resources on evidence-based instructional strategies to support identified students.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schedule time for general and special education teachers to collaborate, observe, implement, and evaluate strategies.</td>
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<td></td>
</tr>
<tr>
<td>Develop decision rules (cut scores, exit criteria) for remaining in or moving out of Tier 2 and beyond (responsiveness vs. unresponsiveness).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement a system of data collection and progress monitoring for Tier 2 and beyond to determine level and growth rate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide professional development opportunities for problem solving and protocol approaches.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure time is scheduled and process is established for teams to meet and review student needs.</td>
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<td></td>
</tr>
<tr>
<td>Determine level of intensity of instruction for Tier 2 and beyond (how often, how long, size of instructional group).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identify measures and procedures to document fidelity of implementation of interventions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish procedures to provide written notification to parents of students receiving Tier 2 intervention.</td>
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</tr>
</tbody>
</table>

IV. REPEATED ASSESSMENTS OF STUDENT ACHIEVEMENT (PROGRESS MONITORING)

A school district's process to determine if a student responds to scientific, research-based instruction shall include repeated assessments of student achievement which should include curriculum-based measures to determine if interventions are resulting in student progress toward age or grade level standards. [8NYCRR §100.2(ii)(1)(iv)]

PURPOSE OF PROGRESS MONITORING

Progress monitoring is the practice of assessing student performance using assessments on a repeated basis to determine how well a student is responding to instruction. Data obtained from progress monitoring helps staff to determine the extent to which students are benefiting from classroom instruction and informs decisions about appropriate levels of intervention.

Progress monitoring differs from screening (discussed in Chapter II) regarding the frequency with which it is administered and the kind of information it provides about student performance. Screening targets students who may be at-risk by comparing their performance to a criterion-referenced measure. Progress monitoring provides routine data that display student growth over time to determine if the student is progressing as expected in the curriculum. (Mellard and Johnson, 2008)

USES OF PROGRESS MONITORING DATA

There are different uses of data from progress monitoring within the different tiers of intervention.

Data from progress monitoring in Tier 1 inform decision-making about classroom instruction in two main ways:
1. Once a student has been initially identified as at-risk by screening procedures, progress monitoring can be used to determine the student’s progress in the general curriculum and confirm or refute initial screening results.
2. Analysis of average performance of all students combined and their rate of growth can assist teachers/administrators in determining the need for curricular and instructional change within the core curriculum.

The primary purpose of progress monitoring in Tier 2 and beyond involves determining whether the intervention is successful in helping the student catch up to grade level expectations. Data from progress monitoring in Tiers 2 and 3 inform decision-making regarding individual students' responsiveness or lack of responsiveness in two ways:
• Learning rate, or student’s growth in achievement or behavior competencies over time, compared to prior levels of performance and peer growth rates; and
“Level of performance, or the student’s relative standing on some dimension of achievement/performance, compared to expected performance (either criterion- or norm-referenced).”
(NASDSE, May 2006)

Data from progress monitoring should be used to inform student movement through tiers. For example, progress monitoring data obtained during the course of Tier 2 intervention should be analyzed for level of performance and growth status. If student data reflect performance at or above benchmark, the student may return to Tier 1. If the student is performing below benchmark, but making sufficient growth progress, the decision to continue Tier 2 intervention can be made. If the student is performing below benchmark and demonstrates poor growth (i.e. under-responding), a change in the Tier 2 intervention or movement to a Tier 3 intervention may be considered.

**TOOLS FOR PROGRESS MONITORING**

The assessment tools selected for progress monitoring should be specific to the skills being measured. CBMs are a frequently used tool for progress monitoring. For example, in reading, an appropriate progress monitoring tool would target the specific essential element(s) of reading with which an individual student is having difficulty, such as phonemic awareness, phonics, fluency, vocabulary and/or comprehension.

The National Center on Response to Intervention provides information about reading and math progress monitoring tools and provides users with information about the technical adequacy of commonly used progress monitoring tools. In addition, the chart provides users with practical information about how to obtain, access support for, and implement the tools. See [http://www.rti4success.org/chart/progressMonitoring/progressmonitoringtoolschart.htm](http://www.rti4success.org/chart/progressMonitoring/progressmonitoringtoolschart.htm).

The use of informal assessments during the course of instruction can provide teachers with additional information on which to base instructional decisions. A combination of CBMs and informal, ongoing assessments (checklists, reading inventories, running records) completed by teachers to monitor progress are recommended so that use of CBM is not the sole index of progress, which could lead to unintended consequences such as children being fast and accurate in word reading, but inattentive to the meaning of what is read.

Additional and individual assessments may also be implemented to inform the nature of instruction that takes place in Tier 2 and beyond. For example, an informal reading inventory (IRA) or diagnostic reading assessment (DRA) may be administered to provide additional information about the instructional needs of the
Progress monitoring involves the following steps*:

1. Establish a benchmark for performance and plot it on a chart (e.g., “read orally at grade level 40 words per minute by June”). It must be plotted at the projected end of the instructional period, such as the end of the school year.

2. Establish the student’s current level of performance (e.g., “20 words per minute”).

3. Draw an aim line from the student’s current level to the performance benchmark. This picture represents the slope of progress required to meet the benchmark.

4. Monitor the student’s progress frequently (e.g., every Monday). Plot the data.

5. Analyze the data on a regular basis, applying decision rules (e.g., “the intervention will be changed after six data points that are below the aimline”).

6. Draw a trend line to validate that the student’s progress is adequate to meet the goal over time.

*Oregon Department of Education, Office of Student Learning and Partnership (Revised December 2007) Identification of Students with Learning Disabilities under the IDEA 2004, Technical Assistance to School Districts, Oregon Response to Intervention

**STEPS FOR PROGRESS MONITORING**

**FREQUENCY OF PROGRESS MONITORING**

Decision rules regarding the frequency of progress monitoring within each tier must also be established. If using a standard protocol procedure, this would be determined by the specific protocol. If using the problem-solving method, this could vary dependent upon various factors including, but not limited to:

- frequency of intervention;
- extent of gap in achievement; and/or
- focus of intervention

Progress monitoring should occur not less than once every two weeks in Tier 2 and no less than once a week in Tier 3. Standard Protocol and Problem Solving methods are explained in Chapter V.

**FACTORS TO CONSIDER TO DETERMINE ADEQUATE PROGRESS OF LEP/ELL STUDENTS**

When monitoring the progress of LEP/ELL students, “the expected rate of progress takes into account linguistic...considerations such as the student’s [native and second] language proficiency, stage of second language acquisition, [and] type of language instruction. The student’s progress [is compared with] levels demonstrated by peers from comparable cultural, linguistic, and experiential backgrounds who
Quality Indicators for Progress Monitoring

- Progress monitoring of student performance occurs across all tiers.
- Teachers follow a designated procedure and schedule for progress monitoring.
- Measures are appropriate to the curriculum, grade level and tier level.
- Data from progress monitoring are documented and analyzed.
- A standardized benchmark is used to measure progress and determine progress sufficiency.
- Teachers use progress monitoring to inform instructional effectiveness and the need for changes in instruction or intervention.
- Graphs are used to display data for analysis and decision making.
- Staff receive training in the administration and interpretation of progress monitoring measures and the implications for instruction.
- The district has designated reasonable cut points, and decision rules of the level, slope or percentage of mastery to help determine responsiveness and distinguish adequate from inadequate responsiveness.
- When monitoring the progress of LEP/ELL students, the student’s progress is compared with the levels of progress demonstrated by peers from similar cultural and linguistic backgrounds who have received the interventions.

have received the intervention.” (Garcia & Ortiz, 2008)
# Essential Task List for Progress Monitoring – Tier 1

Directions: In the second column, write the name of the individual or team who will assume responsibility for the task identified in the first column. In the third column, write the deadline for or the status of the task. Complete each task identified.

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Responsible Individual/Team</th>
<th>Timeline/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within the relevant content area, review the progress monitoring measure or tool selected for Tier 1 to determine whether content is aligned with your curriculum.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Once a tool has been selected, determine and secure the resources required to implement it (e.g., computers, folders/copies, testing areas).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determine initial professional development needs and continuing professional development support.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement a system of data collection and progress monitoring that includes determining both level and growth rate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administer the progress monitoring measure frequently enough to assess a learner’s responsiveness. At Tier 1, screening is three times a year, with routine monitoring weekly or twice weekly.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitor results at the individual student level and make decisions about reasonable cut scores to determine movement to Tier 2 and beyond.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitor results at the classroom level and make decisions about when teachers or instructional programs require more scrutiny and support.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Tier 2 and Beyond

<table>
<thead>
<tr>
<th>Task</th>
<th>Responsible Individual/Team</th>
<th>Timeline/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement a system of data collection and progress monitoring that includes determining both level and growth rate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the relevant area of focus for the intervention, review the progress monitoring measure or tool selected for Tier 2 and beyond to determine whether content is aligned with the intervention.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administer the progress monitoring measure frequently enough to assess a learner’s responsiveness. At Tier 2, no less than once every two weeks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organize results to provide a profile of the student’s progress within this tier. This could be a graph of progress monitoring data supplemented with student work samples or additional informal assessments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitor results to determine whether a student is responding to the intervention.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop decision rules about when to return a student to Tier 1, when to continue with Tier 2 and beyond, and whether further scrutiny of student performance for special education is warranted.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

V. APPLICATION OF STUDENT INFORMATION TO MAKE EDUCATIONAL DECISIONS

A school district's process to determine if a student responds to scientific, research-based instruction shall include the application of information about the student's response to intervention to **make educational decisions** about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services.  

[8NYCRR §100.2(ii)(1)(v)]

### Decision-Making Models

Initial screening and progress monitoring data inform decisions about the level and type of interventions needed to help individual students make progress. Schools typically implement small group interventions using either a standard-protocol or a problem-solving model or a combination of the two – hybrid. Both models share similar attributes: multi-tiered approach, universal screening, progress monitoring to determine treatment effect, and a team structure to organize and analyze student performance using progress monitoring data. The models differ in terms of attention to "level of individualization and depth of problem-analysis that occurs prior to the selection, design and implementation of an intervention." (Christ, Burns, & Ysseldyke, 2005, p. 2)

### Standard Protocol Model

A standard protocol model involves the provision of a research-validated intervention for a specific amount of time, duration and frequency (minutes per day, days per week, and number of weeks) with small groups of students having similar needs. A primary feature of the standard protocol model involves standardized instruction or intervention with minimal analysis of skill deficits. The intervention has a set of well-defined steps or procedures, which when implemented appropriately or as intended, increase the probability of producing positive outcomes for students. Intervention groups are formed by identifying the general nature of the deficit and matching it to a prescribed treatment or protocol. (For example, the RtI decision-making team would analyze screening data and identify which students required additional instruction in decoding. These students would receive an intervention using a standardized set of procedures or intervention program that focuses exclusively on decoding.)

Specifics as to who provides the instruction, frequency and duration of the intervention, the materials used and frequency of progress monitoring are determined in a standard protocol model and this standardized, scripted intervention protocol is applied consistently to all students who require the same intervention in decoding skills. (For example, supplemental small group explicit
reading instruction targeting decoding skills for 30 minutes, three times per week for eight weeks, provided by the reading teacher with progress monitoring once a week.) Because the procedures within a standard protocol model are clear and specific, treatment fidelity is relatively easy to check. Any deviation from the implementation procedures of standard protocol compromises the integrity of the intervention and may result in less than optimal results.

PROBLEM-SOLVING

In contrast, the problem solving model involves an in depth analysis of skill deficits and instructional and environmental variables that compromise a student’s reading performance (Shapiro, 2009). Information obtained from the examination of instructional variables are used to identify subskill deficits and inform targeted interventions. Common to RtI-PS models is a 4-step process that involves the following steps:

1. Conceptualize the problem (Is there a problem? What is it?)
2. Examine variables that may be influencing the problem (Why is it happening?)
3. Deliver targeted or individualized interventions (What shall we do about it?)
4. Evaluate the effectiveness of the intervention (Did the intervention work?)

Many schools have developed instructional support teams (IST) or student study teams to assist teachers in providing supports and accommodations for students who are having difficulties in the core curriculum. These teams provide suggestions to the teacher for possible interventions for struggling students. The existence of such a team can provide the beginning structure of the instructional decision-making team that is a component of an RtI process. Consistent with the following RtI principles, the team would utilize:

- a prescribed research-based intervention protocol;
- progress monitoring to guide instruction; and
- a standard format for data gathering and presentation when reporting the impact of an intervention rather than the use of anecdotal information.

DECISION-MAKING MODEL COMBINED

Both problem solving and a standard protocol can be used within the same RtI process or framework (considered a hybrid approach). For example, a standard protocol may be best suited for Tier 2 interventions that address larger numbers of students while the problem-solving method may be more appropriate for Tier 3 students who may need more specific interventions to address their individual needs. In addition, problem solving may be a better choice for students at Tier 3 who have already
demonstrated a lack of response to Tier 2 intervention and require a more targeted and individualized intervention.

**DATA-BASED DECISION-MAKING**

Sufficient time is needed to determine if the intervention is going to work. However, except with standard protocol procedures, the frequency, duration and intensity of interventions should be based upon student performance data, not a specified period of time. Effective data-based decision making includes:

- regular review of data based on intensity of student needs (students with more intense needs or greater gaps in achievement may need to be monitored more frequently);
- sufficient number of data points collected over a specific period of time (a minimum number of six to eight data points is needed to determine responsiveness of the student);
- analysis of learning trajectory or trends compared against trajectory or trends that will result in grade appropriate achievement;
- graphic representation of data to allow for visual analysis of trends; and
- a discussion involving treatment fidelity; that is, how closely the specific steps or procedures within an intervention was delivered the way it was intended (treatment fidelity).

Student-specific factors should be considered when applying decision rules to the design of interventions for individual students, including but not limited to:

- Age of student
- Frequency of intervention
- Extent of gap in achievement
- Trend data including variability and level of data
- Focus of intervention

**DECISION RULES**

Decision rules or criteria for decision making need to be created prior to implementation of the intervention to determine when:

- students are not responding adequately to instruction and need supplemental intervention;
- students are responding adequately to instruction and no longer need supplemental intervention;
- an intervention may need to be changed; and/or
- a student may need a referral for special education services to determine if a student’s learning difficulty is the result of a disability.

If a student has not made adequate progress in attaining grade-level standards after an appropriate period of time when provided with instruction utilized in an RtI framework, the school district must make a referral and promptly request parental consent to evaluate the student to determine if the student needs special
education services and programs. Factors to consider in determining whether an individual student has made adequate or sufficient progress over an appropriate period of time are provided below and on pages 23-24.

**SAMPLES OF SCHOOL-WIDE DECISION-RULES**

The following are some examples of decision rules for determining which students are “at risk” and use of data to determine if the student is responding to instruction. Each school must select the decision rules it will apply.

- **80 percent decision rule**: If less than 80 percent of all students are meeting benchmarks, review of core curriculum may be needed. (Tier 1)

- **20 Percent Decision Rule**: Students below the 20th percentile in academic skills are placed in small group instruction. (Tier 2)

- **Change Small Group or Individual Instruction Rule**: When progress monitoring data are below the aim line\(^3\) on three consecutive days or when six or more data points produce a flat or decreasing trend line, school staff should change or intensify the intervention.

- **Individualized Instruction Rule**: Individual instruction begins when a student fails to progress after two Tier 2 interventions. (Tier 3)


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\(^3\) An aim line is the path to move a student from her current, baseline level of performance, to the performance criterion, within a designated time period.
Quality Indicators for Data-Based Decision Making

- Criteria are established to determine which students will be identified as “at risk” based upon screening.
- Progress monitoring tools are identified indicating what skills will be measured and what types of data will be collected.
- How long an intervention should be provided (number of data points needed) is determined before a decision is made about whether the student has or has not responded.
- Number of data points needed to determine responsiveness to instruction is selected.
- Frequency of data collection is determined for each tier.
- The minimum level of progress needed that would signify the student’s responsiveness to intervention is determined.
- Criteria or decision rules that determine a student’s movement between levels of intervention are determined.
- The district has established criteria to determine if a student is making sufficient progress over an appropriate period of time before a referral for a special education evaluation is made.
- Determinations are made as to when and what specific data and information will be provided to student’s parents.
VI. CONSIDERATIONS WHEN IMPLEMENTING RTI WITH LIMITED ENGLISH PROFICIENT/ENGLISH LANGUAGE LEARNERS (LEP/ELL)

**APPROPRIATE INSTRUCTION FOR LEP/ELL STUDENTS**
For students identified as LEP/ELL students, appropriate instruction includes instruction that is linguistically and culturally responsive. This means that instruction and interventions must consider and build upon a student’s cultural background and experiences as well as their linguistic proficiency (in both English and the native language). (Esparza Brown and Doolittle: NCCREST, 2008)

**CULTURALLY RESPONSIVE**
Culturally responsive teaching means that the student’s prior experiences, including funds of knowledge (González, Moll, Floyd-Tenery, Rivera, Rendón, Gonzales, & Amanti, February 1994), home language background, and socio-cultural background are considered. A review of the student’s socio-cultural background should address culturally and linguistically-based issues of motivation and the student’s prior knowledge of the material being learned or studied. For example, students with different cultural backgrounds may be motivated to a greater degree by rewards for collaborative, group efforts than for individual efforts. All of these variables help to determine how the student learns best, in what settings, and under what teaching direction. In some cases, a student may not benefit from a specific learning strategy simply because he/she needs a different learning or teaching approach, not because he/she cannot comprehend the content of the lesson.

**CONSIDERATIONS FOR READING INSTRUCTION**
Prior to making decisions about a student’s reading fluency, teachers should consider the relationship between the student’s language proficiency and his/her literacy skills. In the case of LEP/ELL students, reading fluency and comprehension may be strongly determined by vocabulary comprehension and linguistic proficiency in both the first and second language (Slavin & Chung, 2003).

**CONSIDERATIONS FOR MATH INSTRUCTION**
The issue of linguistic proficiency and vocabulary comprehension is also important when collecting data and measuring math skills. Vocabulary comprehension has been identified as a major variable in the understanding of math concepts (Kemp & Partyka, 2009). Computational concepts, algorithms, numerical concepts, measurement concepts and the structure of word problems are not necessarily universal (Secada, 1983).

When designing the school district’s RtI process, three major variables should be considered when assessing and planning appropriate instruction for students who are LEP/ELL:
- language (literacy and oracy in both native and second languages),
• culture, and
• educational history.

These variables remain consistent across all tiers; what changes is the intensity of instruction, possibly the instructional setting (e.g., instruction in another classroom with students who have similar concerns), and depending on the Tier, some of the key instructional staff may vary. It is also important to ensure consistency in the language of instruction among tiers: students receiving core reading instruction in the home language who also need Tier 2 instruction should receive Tier 2 instruction in the home language. (Linan-Thompson and Ortiz, 2009)

**Screening**

When reading instruction occurs in a language other than English, it is strongly recommended that schools administer screening instruments in the language of instruction in addition to English. It is important that the screening tools used to identify students who are struggling and not meeting benchmarks should be tools that have been validated on the populations to be screened.

As a result of screening, LEP/ELL students who have been identified as struggling and/or not meeting benchmarks may need further language screening and assessment. In this case, educators should use standardized and/or informal tools. Language assessments should be conducted in both the native language and English in all four language areas – listening, speaking, reading, and writing.

“When an ELL student becomes the focus of concern, the instructional program itself must be examined to determine the match between the demands of the curriculum and the student’s current proficiency in the language of instruction.” It is important to examine the achievement of the student’s “true peers” (i.e., students with similar language proficiencies and cultural and experiential backgrounds) to see if they are excelling or not. If a majority of “true peers” within the school are struggling, this is an indication that the instruction is less than optimal for that group of students. (Esparza Brown, 2008)

**Instruction Matched to Student Need**

As for all students, differentiated instruction should be used to meet the diverse needs of all students. NYSED’s Proficiency Levels for English as a Second Language (ESL) describes the growth stages for the four language arts areas: listening, speaking, reading, and writing. These stages and the New York State (NYS) Teaching of Language Arts to LEP/ELLs: Learning Standards should guide instruction for ESL.
In addition to differentiation of instruction that is recommended for all students, differentiated instruction for LEP/ELL students should consider the student's level of English proficiency and prior educational experiences to address cultural and linguistic differences. In particular, differentiated instruction should consider grouping to address the student's levels of proficiency in the native language (L1) and English (L2) and the knowledge and skills that are to be learned (e.g., grouping with L1 peers, other LEP/ELL students or with native speakers of English).

When determining appropriate instruction/intervention at all levels for LEP/ELL students:

- Consider the amount and type of ESL instruction the student received in the past and is currently receiving.
- Consider the amount and type of native language instruction the student received in the past and is currently receiving, if applicable.
- Ensure that the language(s) used for interventions matches the language(s) used for core instruction.
- Consider the impact of language and culture on instruction and learning.
- Contact the family to receive feedback and guidance regarding the student’s strengths, interests, and needs.
- Ensure that bilingual and/or ESL personnel serve on the instructional decision-making team.

The following guidelines (adapted from Ortiz, Robertson, & Wilkinson, 2009) should be used when differentiating instruction to meet the needs of second language learners at the Tier 1 level:

- Analyze assessment/screening data to determine performance levels in both L1 and L2.
- Use this assessment data to plan instruction.
- Differentiate this instruction based on academic performance levels; the student’s L1 and L2 levels; and the cultural background of the student.

Base the L2 performance levels on the NYSED Proficiency Levels for English as a Second Language.

Base the L2 performance levels on the NYSED Proficiency Levels for English as a Second Language.
TIERS 2 AND 3: STRATEGIC AND INTENSIVE LEVELS OF INTERVENTION FOR LEP/ELL STUDENTS

As is the case with students who are native speakers of English, LEP/ELL students who continue to struggle with the academic material will need further intervention. If using a problem-solving model, the student data and the classroom instructional data should be provided to the instructional decision-making team for analysis to determine an appropriate instructional plan. If using a standard protocol model it is recommended that districts develop a protocol for LEP/ELL students which includes a menu of interventions that have been validated with LEP/ELL students (for further information, see Rivera, Moughamian, Lesaux, & Francis, 2008) in addition to the set of interventions that have been validated with native speakers of English.

The problem-solving team should:
√ Review and analyze the data collected in Tier 1 documentation and conduct further assessments as needed, and make recommendations for Tier 2 intervention(s). For LEP/ELL students, the documentation should include the:
  • explanation of how instruction was differentiated to address native and second language issues and cultural differences;
  • amount and type of ESL instruction; and,
  • amount and type of native language instruction (as appropriate).
√ Select the instructional areas that need further, more intense intervention.
√ Determine the extent of ESL instruction and/or native language instruction needed during Tiers 2 and 3 interventions to ensure the student will benefit from the intervention.

PROGRESS MONITORING

When monitoring the progress of LEP/ELL students:
√ If instruction is being provided in L1 and L2, all on-going assessments should be conducted in both L1 and L2.
√ When evaluating instructional programs for students in either L1 or L2, the results of instruction should be compared to results for “true peers” (i.e., students with the same native language and culture and similar educational histories). The performance of true peers should be used to benchmark progress and decide whether the student is responding adequately to the intervention or needs more intensive intervention.
√ Whenever possible, the comparative sampling of true peers should be large enough for making educationally valid decisions. (S. Ortiz, personal communication.)
√ Knowledge of typical second language development and the student’s history of first and second language use should be considered when setting benchmarks and interpreting progress.
When conducting assessments and developing instructional programs for a LEP/ELL student, care must be taken that issues of language differences are not confused with language disorders and that patterns of performance related to the student’s socio-cultural background or interrupted schooling are not mistaken for signs of a disability. Assessments in both L1 and L2 should be conducted for comparison before appropriate educational decisions can be made (Ortiz, 2009; Roseberry-Mckibbin, 1995).

Table 1 provides an overview of the areas of language development which may be assessed to differentiate between linguistic differences and possible speech or language disability. As with judgments regarding reading development, judgments concerning the “appropriateness” of a student’s language should be based upon comparison with speakers who have similar linguistic backgrounds. Although “the literature suggests a high correlation between speech-language impairments and reading disorders [Schoenbrodt, Kumin, & Sloan, 1997; Gerber, 1993; & Sawyer, 1992; cited in Linan-Thompson & Ortiz, 2009], best practice dictates that assessments be administered to determine the nature of reading difficulties and to guide the design of reading interventions” (Linan-Thompson & Ortiz, 2009, p. 107) before a student is identified as having a learning disability in the area of reading.
**Table 1**

<table>
<thead>
<tr>
<th>LANGUAGE AREAS</th>
<th>DIFFERENCE</th>
<th>POSSIBLE DISABILITY/ CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pragmatics:</strong> The rules governing social interactions (e.g. turn taking, maintaining topic of conversation).</td>
<td>Social responses to language are based on cultural background (e.g., comfort level in asking or responding to questions)</td>
<td>Social use of language or lack thereof is inappropriate (e.g., topic of lesson is rocks and the student continues to discuss events that occurred at home without saying how they relate to rocks).</td>
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<td>Pauses between turns or overlaps in conversation are similar to those of peers with the same linguistic and cultural background.</td>
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<tr>
<td><strong>Syntax:</strong> The rules governing the order, grammar, and form of phrases or sentences</td>
<td>Grammatical errors due to native language influences (e.g., student may omit initial verb in a question—You like cake? (omission of Do)).</td>
<td>Grammatical structures continue to be inappropriate in both languages even after extensive instruction (e.g., student cannot produce the past tense in either Spanish or English indicating difficulty with grammatical tenses).</td>
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<tr>
<td></td>
<td>Word order in L1 may differ from that of English (e.g., in Arabic sentences are ordered verb-subject-object while Urdu sentences are ordered subject-object-verb).</td>
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<tr>
<td><strong>Semantics:</strong> The rules pertaining to both the underlying and the surface meaning of phrases and sentences</td>
<td>A student whose native language is Korean may have difficulty using pronouns, as they do not exist in his/her native language. A student may use words from L1 in productions in L2 because of his inability or unfamiliarity of the vocabulary in L2 (e.g., “The car is muy rapido.” In this case, the student knows the concept as well as the needed structure but cannot remember the vocabulary).</td>
<td>Student is demonstrating limited phrasing and vocabulary in both languages (e.g., his/her sentences in both languages demonstrate limited or no use of adjectives and adverbs and both languages are marked by a short length of utterance).</td>
</tr>
<tr>
<td><strong>Morphology:</strong> The rules concerning the construction of words from meaningful units</td>
<td>Native speakers of Russian may not use articles as they do no exist in that language. A student whose native language is Spanish may omit the possessive (‘s’) when producing an utterance in English (e.g., “Joe crayon</td>
<td>Student’s productions in both languages demonstrate a lack of the possessive form indicating that he/she has not acquired this morphologic structure by the appropriate age. Again, both languages may be marked by a short length of utterance.</td>
</tr>
<tr>
<td>LANGUAGE AREAS</td>
<td>DIFFERENCE</td>
<td>POSSIBLE DISABILITY/ CONCERNS</td>
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<td>&quot;broke&quot; or he will say &quot;the crayon of Joe broke,&quot; applying a structure that is influenced by the rules of his/her L1. He/she still demonstrates understanding of the morphologic structure for possession but is demonstrating errors in structure that are directly influenced by his/her L1.)</td>
<td>Major reliance on gestures rather than speech to communicate in both L1 and L2, even after lengthy exposure to English. The student exhibits not only interruptions, interjections, and/or repetitions, but also demonstrates physical concomitants that accompany these behaviors such as facial grimacing, leg stomping, or blinking that indicates physical struggle in producing speech. In addition, these students may demonstrate recognition of their dysfluency and try to avoid specific sounds or words. These behaviors will occur in both languages.</td>
</tr>
<tr>
<td>Fluency:</td>
<td>Student’s language does exhibit more interruptions, interjections, and/or repetitions for his/her age, but there are no physical concomitants marking the speech (physical strain or repeated physical actions), and the student does not seem to exhibit a consciousness of his/her dysfluency. Students learning L2 may exhibit interruptions, interjections, and repetitions as they are searching for words while speaking.</td>
<td>Students will demonstrate a delay in the development of the age appropriate sounds in both languages (e.g., a student may consistently have difficulty producing vowels in both language or by middle school the student will still demonstrate initial consonant deletion in both languages).</td>
</tr>
<tr>
<td>Phonology:</td>
<td>Student may omit specific sound combinations or have difficulty producing certain sounds in the L2 that do not exist in the phonology of the L1 (e.g., student may have difficulty producing the /r/ /l/, /l/, /ch/, or /th/ in L2, or a Tagalog speaker might say “past” instead of “fast’ or add a vowel before words that begin with clusters (“I go to eschool.”)</td>
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Developed by Sarita C. Samora and Idalia Lopez-Diaz. (unpublished – adapted and printed with permission)
Quality Indicators for Implementing RtI with LEP/ELL students

- Personnel with bilingual and ESL certification (teachers, related service providers, school psychologists, and administrators) are members of a district’s RtI design team and instructional support teams.
- ESL is an integral part of core instruction for all LEP/ELL students, not an “intensive intervention” or additional tier in the RtI process. (Refer to Part 154 of the Regulations of the Commissioner of Education for required units of ESL and ELA instruction.)
- In districts that have sufficient numbers of LEP/ELL students who speak the same language to require bilingual programs, bilingual instruction is an integral part of core instruction (Tier 1) for those LEP/ELL students. (Refer to Part 154 of the Regulations of the Commissioner of Education for required units of ESL, native language arts and ELA instruction.)
- ESL methodology is employed in all three tiers and native language instruction or support is provided when needed to help rule out limited English proficiency or lack of appropriate instruction as causes of learning difficulties.
- Culturally responsive instruction is employed in all three tiers.
- Evidence-based practices/interventions shown to be effective and validated for LEP/ELL students are used.
- Interventions are adapted to reflect cultural and linguistic considerations; adapted intervention protocols are standardized, implemented with fidelity, and revised as needed based on sufficient data reflecting student results and program efficacy.
- The performance of “true peers” (i.e., students with the same native language and culture and similar educational histories) is considered when setting benchmarks, monitoring progress, and deciding whether a LEP/ELL student is responding adequately to instruction or needs more intensive intervention.
- Research on second language development and the student’s history of first and second language development are considered when setting benchmarks, monitoring progress, and deciding whether a LEP/ELL student is responding adequately to instruction or needs more intensive intervention.
VII. NOTIFICATION TO PARENTS

A school district's process to determine if a student responds to scientific, research-based instruction shall include written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

(a) the amount and nature of student performance data that will be collected and the general education services that will be provided pursuant to the structure and components of the RtI program selected by the school district;

(b) strategies for increasing the student’s rate of learning; and

(c) the parents' right to request an evaluation for special education programs and/or services.

[8NYCRR §100.2(ii)(1)(vi)]

PROCEDURES FOR PARENT NOTIFICATION

While it is expected that parents are involved and kept informed of their child’s progress in school at all levels, when students participate in the RtI process, there are specific parent notification requirements. Parents must be notified in writing and in a language or mode of communication they understand if their child needs an intervention beyond that which is provided to all students in the classroom in an RtI process. Such parents must specifically be notified in writing:

• how much and what kind of information (data) the school will collect to monitor the student’s progress;

• the nature of the intervention/instructional support the student will receive; and

• of the parent’s right to request an evaluation for special education services.

The school should establish clear procedures to meet these requirements, including but not limited to, procedures for:

• determining the method for written parental notification;

• the manner and frequency of parent and staff communication; and

• the manner and frequency in which progress monitoring data will be provided to parents.

In the event a student is referred for an evaluation to determine if the student has a learning disability, the parent will have received appropriate data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. (8NYCRR §200.4(j)(1)(ii)(b))
Quality Indicators for Parent Notification

- General information about the RtI process is provided to all parents.
- The notification to parents when a student needs supplemental intervention includes all required information and is provided in a language the parent understands.
- Parents of students receiving an intervention beyond that of the general education class are informed of the right to request an evaluation for special education services at any time.
- The nature and frequency of communication between parents and staff is clearly defined.
- The frequency of providing progress monitoring data to parents is adequate and appropriate to ensure they are regularly informed of their child’s progress.
A school district shall select and define the specific structure and components of the response to intervention program, including, but not limited to, the criteria for determining the levels of intervention to be provided to students, the types of interventions, the amount and nature of student performance data to be collected and the manner and frequency for progress monitoring.

[8NYCRR §100.2(ii)(2)]

Structure

NYSED has defined in regulation the minimum components of an RtI program but does not require a specific RtI model that must be uniformly used by all school districts. School districts have discretion to make specific decisions when designing the structure and components of their RtI program. To begin the process it is recommended that the school convene an RtI design team that includes administrators, related service personnel, school psychologists, general education teachers, special education teachers, ESL/bilingual teachers and parents.

Decisions will need to be made regarding the following components of the RtI framework:

- number of levels or tiers
- research-based core instructional program (e.g., reading, math and writing)
- universal screening and progress monitoring tools
- decision-making process (problem solving vs. standard protocol)
- composition of instructional decision-making team if using a problem-solving approach
- professional development
- procedures to ensure fidelity of implementation
- parent involvement and notification procedures

Criteria and Decision Rules for Determining Levels of Intervention

- Cut points to identify students at risk based on screening results
- Criteria for judging whether a student is or is not progressing adequately in response to instruction
- Criteria and decision rules for movement of students between levels
- Criteria for determining when an intervention is no longer needed
<table>
<thead>
<tr>
<th>TYPES OF INTERVENTION</th>
<th>Criteria for determining duration and frequency of interventions designed to supplement Tier 1 or core instruction.</th>
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<tbody>
<tr>
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<td>Criteria for determining type of intervention including:</td>
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<td>• focus of instruction;</td>
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<td></td>
<td>• size of instructional group;</td>
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<td></td>
<td>• appropriate instructional setting (within classroom, separate setting); and</td>
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<td></td>
<td>• appropriately trained staff.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>MANNER AND FREQUENCY FOR PROGRESS MONITORING</th>
<th>Progress monitoring procedures and tools such as CBM defined for each level.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>How and how frequently data are shared with parents.</td>
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</tbody>
</table>

| GETTING STARTED | A school readiness survey may assist a school district in its initial steps to implement an RtI approach. Examples of school readiness surveys or checklists can be found at the NYS RtI Technical Assistance Center’s website at www.nysrti.org or at the Center on Response to Intervention’s website at www.rti4success.org. |

<table>
<thead>
<tr>
<th>USE OF FUNDS: EARLY INTERVENING, TITLE I AND TITLE III</th>
<th>IDEA 2004 allows school districts to use up to 15 percent of their IDEA funds for comprehensive early intervening services (CEIS). This is intended for students not identified as students with disabilities but who need additional academic and behavioral supports to succeed in the general education curriculum. These early intervening funds could be used to support the development of RtI programs including professional development for teachers and school staff.</th>
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<td>A presentation from the U.S. Department of Education on how federal funds may be used to support RtI entitled, Implementing RtI Using Title I, Title III, and CEIS Funds: Key Issues for Decision-Makers, is available at <a href="http://www.ed.gov/programs/titleiparta/rti.html">http://www.ed.gov/programs/titleiparta/rti.html</a>. This presentation:</td>
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<td>• provides background information about these three federal programs;</td>
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<td></td>
<td>• defines RtI, recognizing that there are multiple RtI frameworks and that different terminology is sometimes used; and</td>
</tr>
<tr>
<td></td>
<td>• provides specific examples of how Title I, Title III, and CEIS funds may be used to support RtI.</td>
</tr>
</tbody>
</table>
IX. ENSURING STAFF KNOWLEDGE AND SKILLS NECESSARY TO IMPLEMENT RTI PROGRAMS

A school district shall take appropriate steps to ensure that staff has the knowledge and skills necessary to implement a response to intervention program and that such program is implemented consistent with the specific structure and components of the RtI process selected by the school district. [8 NYCRR §100.2(ii)(3)]

FIDELITY OF IMPLEMENTATION

Existing research has documented that a major factor involved with unsuccessful interventions is a lack of or failure to implement the proposed intervention in the way it was intended. Fidelity addresses not only the steps involved in an intervention, but also the integrity of screening and progress monitoring procedures as well. One way schools can ensure fidelity of implementation is to make sure staff receive appropriate and sustained professional development relative to assessment procedures and interventions. Each school district must identify how it will provide staff with the appropriate professional development needed to ensure the fidelity of implementation of its RtI programs.

Fidelity of the process at the school level means consistency with which the various components are implemented across classrooms and grade levels. Fidelity of implementation means:
1. intervention/instruction is delivered in the way in which it was designed to be delivered;
2. screening and progress monitoring procedures are administered in a standardized manner, and an explicit decision-making model is followed;
3. instruction and interventions are implemented consistent with research or evidence-based practice;
4. staff receive appropriate professional development; and
5. administrators provide supervision and serve as instructional leaders.

An approach to ensuring fidelity includes three dimensions (Mellard and Johnson, 2008):
- Method which includes the tools and approaches a school uses to provide feedback on how RtI is being implemented;
- Frequency regarding how often checks are conducted; and
- Support systems including feedback and professional development needed to implement a process with fidelity.

PROFESSIONAL DEVELOPMENT

Effective implementation of a data-based decision making process like RtI requires specific sets of skills and knowledge that are central to the different roles and responsibilities of teachers and other school personnel involved in the process.
**Instructional and Supervisory Staff**

An effective RtI model requires knowledge and skill in the provision of instruction; monitoring progress, including collecting and displaying performance data for evaluation; and evaluating students’ trajectories of learning (the speed with which they acquire new skills) to determine the need for intervention. It also requires designing, implementing, and evaluating interventions in support of students whose trajectories of learning will not result in grade level achievement.

All staff need basic instruction in the underlying concepts (e.g., early literacy, the five core elements of literacy instruction) in order to support the process. In the case of literacy, instructional staff will need a greater depth of knowledge than noninstructional staff, but all staff will need to understand the basics to ensure that the system truly invests in literacy for all students.

**Administrative Staff**

Administrators may need professional development to acquire an appropriate level of knowledge of the core instructional program and the RtI program, including effective scope and sequence of instruction, instructional strategies, monitoring procedures, effective use of data, problem solving and decision making, and the identification and implementation of interventions appropriate to individual student needs.

**Members of Instructional Decision-making Teams**

Individuals who will be participating in instructional decision-making teams should have a broad understanding of interventions and become highly skilled in data analysis, problem solving, and decision making in support of improving instructional programs for students referred to the team.

**Family Members**

Parents and family members are an essential part of an effective RtI model. Schools should ensure that opportunities are available to provide parents with an overview of the RtI process and its benefits, including an introduction of the model (e.g., the levels of intervention and what they comprise in terms of increasingly intensive interventions), the process by which decisions about interventions will be made, the process for communication with families about student progress, their rights to refer their children to the Committee on Special Education (CSE) at any point, and how data from an RtI process can be used as part of the process to determine if the student has a learning disability.
An RtI implementation plan should include strategies for evaluation of implementation fidelity and effectiveness of the model from initial steps forward. Strategies should include both annual summative evaluations to describe progress over the year and formative evaluation during each year to allow for adjustment to the RtI process if it becomes apparent that elements of the model are not being implemented accurately or are not having the desired impact.

Every district should ensure that individuals within the building and/or district have a whole-picture understanding of the model, know what data can be collected to evaluate systemic implementation, and have the skill to understand and analyze the data. The district may want to forge a partnership with higher education faculty with expertise in program evaluation in order to develop district capacity in this area.

Use of an RtI model holds promise not only for supporting individual learners and decreasing inappropriate learning disability identifications, but also for identifying and improving areas of weakness in curriculum and instruction. This level of analysis can build on data accumulated for individual student support. Districts can conduct grade and school level analyses in specific skill areas at a much more detailed level than is possible with the use of State assessment outcomes alone. These analyses may reveal the need for curriculum development alignment or expansion, reconsideration of instructional or supervisory roles in support of student outcomes, professional development for instructional and/or supervisory staff, or even reorganization of systems for more efficient use of resources.

### Quality Indicators to Ensure Fidelity of Implementation

- Professional development is provided by staff that are knowledgeable in the areas of early literacy, data-based decision making and progress monitoring.
- Professional development is job embedded and ongoing and is part of the district's overall professional development plan.
- The district has identified strategies to evaluate the effectiveness of its RtI model and to make changes as necessary.
- Administrative staff serve as instructional leaders to provide appropriate supervision and monitoring of the implementation of the RtI program.
- Procedures are in place that assess how accurately intervention and assessment procedures are followed.
X. USE OF RTI IN THE DETERMINATION OF A LEARNING DISABILITY

CRITERIA FOR DETERMINING LEARNING DISABILITY (LD)

NYS has established criteria for the CSE to use when determining if a student has a learning disability.

These criteria include consideration of data and instructional information obtained through an RtI process which provides important information to determine if a student needs to be referred for an individual evaluation to determine if the student has a learning disability. Effective on and after July 1, 2012, a school district must have an RtI process in place as it may no longer use the severe discrepancy between achievement and intellectual ability to determine that a student in kindergarten through grade four has a learning disability in the area of reading.

In making a determination of eligibility for special education, the CSE must determine that underachievement of the student is not due to lack of appropriate instruction in reading (including the five essential components), mathematics or limited English proficiency. The data from RtI can help to document that the reason for a student’s poor performance or underachievement is not due to lack of appropriate instruction or limited English proficiency. Along with other individual evaluation information, RtI data can yield important descriptive information about how children learn and why they may be having difficulties.

When determining if a student has a learning disability, the data from multiple sources indicates that the student, when provided appropriate instruction:

1. does not adequately achieve grade level standards in the areas of reading and/or mathematics;  
   and
2. (a) is not making sufficient progress toward meeting those standards when provided with appropriate instruction consistent with an RtI model;  
   or
   (b) exhibits a pattern of strengths and weaknesses in performance and/or achievement relative to age or grade level standards as found relevant by the CSE;  
   and
3. has learning difficulties that are not primarily the result of a visual, hearing or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
While the data collected through an RtI process may be used as part of a student’s individual evaluation to determine if a student has a learning disability, it may not be the sole source of information to make this determination. A student suspected of having a learning disability must receive a comprehensive multidisciplinary evaluation. Consistent with section 200.4(b) of the Regulations of the Commissioner of Education, the individual evaluation must include a variety of assessment tools and strategies including a physical examination, a social history, other appropriate assessments as necessary, an individual psychological evaluation and an observation. The observation of the student can include information from an observation in routine classroom instruction done either prior to referral for an evaluation or after referral has been made.

The student-centered data collected and information on instructional strategies used throughout an RtI process provides important information to inform the CSE about the student’s progress to meet age or State-approved grade-level standards. This data should include, but not be limited to:

- data that demonstrates that the student was provided appropriate instruction delivered by qualified personnel including research-based instruction in reading;
- progress monitoring data that describes how a student responded to particular interventions of increasing intensity;
- instructional information on a student’s skill level and rate of learning relative to age/grade level standards or criterion-referenced benchmarks; and
- evaluative data including CBM regarding a student’s performance that is useful and instructionally relevant.

The CSE must prepare a written report documenting the eligibility determination of a student suspected of having a learning disability which must include the basis for how the decision was made and, if the student has participated in an RtI process:

- the instructional strategies used,
- the student-centered data collected, and
- documentation that parents were notified when the student required an intervention beyond that provided to all students in the general education classroom, informing them about the amount and nature of student performance data that would be collected; the general education services that would be provided in the RtI program; strategies that would be used for increasing their child’s rate of learning and the parents right to refer their child for special education services.

Appendix B provides NYS’ model form for documentation of a learning disability eligibility determination.
NYSED recommends that all schools, including nonpublic schools, implement RtI programs.

If a student from a nonpublic school is referred for an evaluation to determine if the student has a disability and there is no data from an RtI process available because the nonpublic school does not implement an RtI process, information from other sources should be obtained regarding the type of instruction the student has received and the student’s progress in the school's curriculum (such as teacher reports, classroom tests, standardized tests, report cards and information from parents). Nonpublic school students cannot be denied an evaluation to determine if the student has a disability or the provision of services, if eligible, based on the nonpublic school not implementing an RtI process and the lack of data available from an RtI process. The determination of eligibility is based upon a comprehensive multidisciplinary evaluation consistent with section 200.4(b) of the Regulations of the Commissioner of Education. The parent and CSE may agree to extend the timeline to complete the individual evaluation in order to have the student participate in a process to assess the student’s response to scientific, research-based intervention (RtI).

### Quality Indicators for Use of RtI Data in a Learning Disability Determination

- The determination of a student with a learning disability is based upon a comprehensive multidisciplinary evaluation.
- Data based on the student's response to scientific-based intervention is used as part of the individual evaluation information to determine if a student has a learning disability.
  - The CSE considers progress monitoring data that describes how a student responded to particular interventions of increasing intensity.
  - Student’s skill level and rate of learning relative to age/grade level standards or criterion-referenced benchmarks are considered.
  - Instructionally relevant evaluative data including curriculum-based measures regarding a student’s performance is considered.
- Student information from the RtI process provides data-based documentation on whether the student has made sufficient progress to meet age or State-approved grade-level standards in the area of the suspected disability.
- Teacher(s) providing RtI interventions participate in the CSE meeting to determine a student’s eligibility for special education.
Appendix A

NEW YORK STATE REGULATORY POLICY FRAMEWORK FOR RESPONSE TO INTERVENTION

**SCHOOL-WIDE SCREENING**

Diagnostic screening for new entrants to school districts uses recognized and validated screening tools to determine a student’s development in oral expression, listening comprehension, written expression, basic reading skills, reading fluency and comprehension, mathematical calculation and problem-solving, motor development, articulation skills, and cognitive development.

Students with low test scores shall be monitored periodically through screenings and on-going assessments of the student’s reading and mathematic abilities and skills.

- If the student is determined to be making sub-standard progress in such areas of study, instruction shall be provided that is tailored to meet the student’s individual needs with increasingly intensive levels of targeted intervention and instruction.
- School districts shall provide written notification to parents when a student requires an intervention beyond which is provided to the general education classroom.
- Such notification shall include:
  - information about the performance data that will be collected and the general education services that will be provided;
  - strategies for increasing the student’s rate of learning; and
  - the parents’ right to request an evaluation by the Committee on Special Education to determine whether the student has a disability.

[8 NYCRR §117.3]

**BOARD OF EDUCATION ADMINISTRATIVE POLICIES AND PRACTICES**

Each board of education or board of trustees shall adopt written policy that establishes administrative practices and procedures for implementing school-wide approaches, which may include a response to intervention process pursuant to section 100.2(ii) of this Title, and pre-referral interventions in order to remediate a student’s performance prior to referral for special education.

[8 NYCRR §200.2(b)(7)]

**REQUIRED COMPONENTS OF A RESPONSE TO INTERVENTION (RTI) PROGRAM**

(1) A school district’s process to determine if a student responds to scientific, research-based instruction shall include the following minimum requirements:

(i) **appropriate instruction** delivered to all students in the general education class by qualified personnel;
   (a) appropriate instruction in reading shall mean scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness,
Appendix A

phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;

(ii) **screenings** applied to all students in the class to identify those students who are not making academic progress at expected rates;

(iii) **instruction matched to student need** with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;

(iv) **repeated assessments** of student achievement which should include curriculum-based measures to determine if interventions are resulting in student progress toward age or grade level standards;

(v) the application of information about the student’s response to intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services; and

(vi) written **notification to the parents** when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:

(a) the amount and nature of student performance data that will be collected and the general education services that will be provided pursuant to paragraph (2) of this subdivision;

(b) strategies for increasing the student’s rate of learning; and

(c) the parents’ right to request an evaluation for special education programs and/or services.

(2) A **school district shall select and define the specific structure and components** of the response to intervention program, including, but not limited to, the criteria for determining the levels of intervention to be provided to students, the types of interventions, the amount and nature of student performance data to be collected and the manner and frequency for progress monitoring.

(3) A school district shall take appropriate steps to ensure that staff has the knowledge and skills necessary to implement a response to intervention program and that such program is implemented consistent with paragraph (2) of this subdivision.

[8 NYCRR §100.2(ii)]
(1) A student suspected of having a learning disability as defined in section 200.1(zz)(6) of this Part must receive an individual evaluation that includes a variety of assessment tools and strategies pursuant to subdivision (b) of this section. The CSE may not rely on any single procedure as the sole criterion for determining whether a student has a learning disability. The individual evaluation shall be completed within 60 days of receipt of consent, unless extended by mutual written agreement of the student’s parent and the CSE.

(i) The individual evaluation must include information from an observation of the student in routine classroom instruction and monitoring of the student's performance that was either done before the student was referred for an evaluation or from an observation of the student’s academic performance in the regular classroom after the student has been referred for an evaluation and parental consent, consistent with section 200.5(b) of this Part, is obtained. Such observation shall be conducted by an individual specified in paragraph (2) of this subdivision.

(ii) To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures pursuant to section 200.4(b) and (c) of this Part, consider,

(a) data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(b) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents.

(2) The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which shall include the student’s regular education teacher as defined in section 200.1(pp) of this Part and at least one person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher),

(3) A student may be determined to have a learning disability if, when provided with learning experiences and instruction appropriate for the student’s age or State-approved grade-level standards, the student does not achieve adequately for the student’s age or to meet State-approved grade-level
standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving; and

(i) The student either:
   (a) does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in this paragraph when using a process based on the student’s response to scientific, research-based intervention pursuant to section 100.2(ii) of this Title; or
   (b) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments consistent with section 200.4(b) of this Part; and

(ii) The CSE determines that its findings under this paragraph are not primarily the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

(4) In addition to the criteria in paragraph (3) of this subdivision, the CSE is not prohibited from considering whether there is a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation and/or mathematical problem solving; provided that effective on and after July 1, 2012, a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading.

(5) Specific documentation for the eligibility determination.
   (i) When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of:
      (a) whether the student has a learning disability;
      (b) the basis for making the determination, including an assurance that the determination has been made in accordance with section 200.4(c)(1) of this Part;
      (c) the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student’s academic functioning;
      (d) the educationally relevant medical findings, if any;
      (e) whether, consistent with paragraph (3) of this subdivision:
Appendix A

(1) the student does not achieve adequately for the student’s age or to meet State-approved grade-level standards; and

(2) the student
   (i) does not make sufficient progress to meet age or State-approved grade-level standards; or
   (ii) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development;

(f) the determination of the CSE concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student’s achievement level; and

(g) if the student has participated in a process that assesses the student’s response to scientific, research-based intervention pursuant to section 100.2(ii) of this Title:
   (1) the instructional strategies used and the student-centered data collected; and
   (2) the documentation that the student’s parents were notified in accordance with section 100.2(ii)(1)(vi) of this Title.

(ii) Each CSE member must certify in writing whether the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the CSE member must submit a separate statement presenting the member’s conclusions.

[8 NYCRR §200.4(j)]
DOCUMENTATION OF THE DETERMINATION OF ELIGIBILITY FOR A STUDENT SUSPECTED OF HAVING A LEARNING DISABILITY

Section 200.4(j)(5) of the Regulations of the Commissioner of Education requires that the committee on special education (CSE) prepare a written report of the determination of eligibility of a student suspected of having a learning disability that contains a statement of the following information:

1. The CSE has reviewed the individual evaluation results for ________________, which indicate that the student:
   - has a learning disability requiring special education services.
   - does not have a learning disability.

2. This decision was based on the following sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior in accordance with section 200.4(c)(1) of the Regulations:

3. The relevant behavior noted during the observation of the student and the relationship of that behavior to the student’s academic functioning indicate:

4. The educationally relevant medical findings, if any, indicate:

5. To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures pursuant to section 200.4(b) and (c), consider:
   - data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel.
   AND
   - data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents.
6. The CSE has determined, consistent with section 200.4(j)(3) of the Regulations, that:

- the student does not achieve adequately for the student’s age or to meet State-approved grade-level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving;

AND

- the student either does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in this paragraph when using a process based on the student’s response to scientific, research-based intervention pursuant to section 100.2(ii);

OR

- exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development that is determined by the CSE to be relevant to the identification of a learning disability, using appropriate assessments consistent with section 200.4(b).

AND

- the student’s learning difficulties are not primarily the result of a visual, hearing or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

7. Complete this item if the student has participated in a process that assesses the student’s response to scientific, research-based intervention.

- The following instructional strategies were used and student-centered data was collected:

AND

- Document how parent’s were notified about the amount and nature of student performance data that will be collected and the general education services that will be provided; strategies for increasing the student’s rate of learning; and the parents’ right to request an evaluation for special education programs and/or services.
8. **CSE Member Certification of the Determination of a Learning Disability:**

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which must include the student’s regular education teacher and a person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher). Each CSE member must certify in writing whether the report reflects his or her conclusion. If not, the member must submit a separate statement presenting his or her conclusions.

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Date: ____________________________


Appendix C

READINGS AND REFERENCES


Dynamic Indicators of Basic Early Literacy Skills (DIBELS). [http://dibels.uoregon.edu](http://dibels.uoregon.edu) (October 22, 2007).

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Linan-Thompson, S. & Ortiz, A. *Response to Intervention and English Language Learners: Instructional and Assessment Considerations.* Seminars in Speech and Language/Volume 30, Number 2. 2009.


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New Mexico Public Education Department. (2006, December). Response to Intervention: A systematic process to increase learning outcomes for all students. (A guidance document for New Mexico schools.).


National Institute for Literacy, Partnership for Reading (NLRP). (2005, Fall). What is Scientifically Based Research?


Office of Special Education Programs (OSEP) Technical Assistance Center on Positive Behavioral Interventions and Supports. What is school-wide PBS?: Illinois PBIS Network (May 2008)


Appendix C


Tilly, W. D. (2003). How many Tiers are needed for Successful Precaution and Early Identification? Heartland Area Educational Agency’s Evolution from Four to Three
Appendix C

Tiers. Paper Presented at the National Research Center on Learning Disabilities Responsiveness-to-Intervention Symposium, Kansas City, MO.


Examples and Case Studies

For school examples that address the RtI components cited in this document, see the link from NRCLD Learning Disabilities Resource Kit (August, 2006) at: http://www.nrcld.org/rti_manual/pages/RTIManualSection5.pdf


Additional Websites:

Center for Applied Special Technology (CAST), part of the project entitled the “National Center for Accessible Curriculum (NCAC)” n article regarding Universal Design for Learning (UDL) and Differentiated Instruction (DI) – http://www.cast.org/publications/ncac/ncac_diffinstruc.htm

Center on Instruction – http://www.centeroninstruction.org/

Colorín Colorado (Reading Rockets for second language learners) – http://www.colorincolorado.org/


Multicultural and Diverse Learners (MCDL) – http://www.esc1.net/ – Responding Educationally to all Learners (REAL)


National Center on Student Progress Monitoring – http://www.studentprogress.org/
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National Clearinghouse for English Language Acquisition (NCELA) – http://www.ncela.gwu.edu/


National RtI Center (federally funded project) – http://www.rti4success.org/

New York State Reading Resource Center - http://nysrrc.monroe.edu/

New York State RtI Technical Assistance Center – http://www.nysrti.org/

  o The teaching of language arts to LEP/ELLs: A resource guide for all teachers
  o The teaching of language arts to LEP/ELLs: Learning standards for ESL
  o The teaching of language arts to LEP/ELLs: Learning standards for native language arts (NLA)


Reading Rockets – http://readingrockets.org/research/teaching – Reading Research & Reports

Rhode Island College supported by the Rhode Island Department of Education – http://www.ritap.org/rti/resources/web_resources.php

U.S. Department of Education website to a variety of resources, including RtI and its relationship to LD determination – http://www.osepideasthatwork.org/toolkit/ta_responsiveness_intervention.asp
TO:  District Superintendents  
      Superintendents of Public and Nonpublic Schools  
      Presidents of Boards of Education  
      Administrators of Charter Schools  
      New York City Board of Education  
      SETRC Project Directors and Professional Development Specialists  
      Regional School Support Centers  
      Organizations, Parents and Individuals Concerned with Special Education  
      Commissioner’s Advisory Panel for Special Education

FROM:  James P. DeLorenzo  
        Statewide Coordinator, Office of Vocational and Educational Services for Individuals with Disabilities
        Jean C. Stevens  
        Associate Commissioner, Office of Instructional Support and Development

RE:  Implementation of Response to Intervention Programs

The purpose of this memorandum is to encourage all school districts in New York State (NYS) to take timely actions to implement response to intervention (RtI) programs in its schools. RtI is a multi-tiered, problem-solving approach that identifies general education students struggling in academic and behavioral areas early and provides them with systematically applied strategies and targeted instruction at varying levels of intervention.

RtI represents an important educational strategy to close achievement gaps for all students, including students at risk, students with disabilities and English language learners, by preventing smaller learning problems from becoming insurmountable gaps. It has also been shown to lead to more appropriate identification of and interventions with students with learning disabilities. Each day educators make important decisions about students’ educational programs, including decisions as to whether a student who is struggling to meet the standards set for all children might need changes in the nature of early intervention and instruction or might have a learning disability. This decision as to whether a student has a learning disability must be based on extensive and accurate information that leads to the determination that the student’s learning difficulties are not the result of the instructional program or approach. RtI is an effective and instructionally relevant process to inform these decisions.
The NYS Education Department (NYSED) has established a policy framework for RtI in regulations relating to school-wide screenings, minimum components of RtI programs, parent notification and use of RtI in the identification of students with learning disabilities. The Regents policy establishes RtI as a school-wide system of organizing instruction and support resources to deliver high quality instruction to meet the diverse needs of learners and recognizes it as one of the research-based Contracts for Excellence allowable programs.

The Regents policy framework for RtI:

1. Defines RtI to minimally include:

   - **Appropriate instruction** delivered to all students in the general education class by qualified personnel. Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.

   - **Screenings** applied to all students in the class to identify those students who are not making academic progress at expected rates.

   - **Instruction matched to student need** with increasingly intensive levels of targeted intervention and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

   - **Repeated assessments** of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards.

   - The **application of information** about the student’s response to intervention to make educational decisions about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services.

   - **Written notification to the parents** when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about the:
     - amount and nature of student performance data that will be collected and the general education services that will be provided;
     - strategies for increasing the student’s rate of learning; and
     - parents’ right to request an evaluation for special education programs and/or services.

   [8 NYCRR section 100.2(ii)]
2. Requires each school district to establish a **plan and policies for implementing school-wide approaches** and prereferral interventions in order to remediate a student’s performance prior to referral for special education, which may include the RtI process as part of a district’s school-wide approach. The school district must **select and define the specific structure and components of its RtI program**, including, but not limited to the:
   - criteria for determining the levels of intervention to be provided to students,
   - types of interventions,
   - amount and nature of student performance data to be collected, and
   - manner and frequency for progress monitoring.

   [8 NYCRR section 100.2(ii)]

3. Requires each school district implementing a RtI program to take appropriate steps to ensure that staff have the **knowledge and skills** necessary to implement a RtI program and that such program is implemented consistent with the specific structure and components of the model.

   [8 NYCRR section 100.2(ii)]

4. Authorizes the use of RtI in the State’s **criteria to determine learning disabilities** (LD) and **requires, effective July 1, 2012, that all school districts have an RtI program in place as part of the process to determine if a student in grades K-4 is a student with a learning disability in the area of reading**. “**Effective on or after July 1, 2012, a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading.**”

   [8 NYCRR section 200.4(j)]

   In addition to the above RtI requirements, regulations adopted by the Regents regarding screening of students with low test scores now requires a review of the students’ instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

   - Students with low test scores must be monitored periodically through screenings and on-going assessments of the student’s reading and mathematic abilities and skills.
   - If the student is determined to be making substandard progress in such areas of study, instruction shall be provided that is tailored to meet the student’s individual needs with increasingly intensive levels of targeted intervention and instruction.
   - School districts must provide written notification to parents when a student requires an intervention beyond that which is provided to the general education classroom. Such notification shall include: information about the performance data that will be collected and the general education services that will be provided; strategies for increasing the student’s rate of learning; and the parents’ right to request an evaluation by the Committee on Special Education to determine whether the student has a disability.
An RtI process as described above will meet the section 117.3 requirements to ensure a student’s progress toward meeting the State’s standards.

The implementation of well-developed and high quality RtI programs takes time, planning and professional development. School districts should be taking steps now to develop such programs in order to position themselves to improve results for students and to meet the learning disability (LD) determination criteria by 2012.

NYSED will be issuing additional guidance on RtI and plans to establish a NYS Technical Assistance Center on RtI (RtI-TAC) to assist school districts in their development of such programs. In addition, NYSED will be providing start-up funding to approximately 14 schools to establish model RtI programs throughout the State. Additional information on the RtI-TAC and district grants will be forthcoming in future memoranda and will be posted on the VESID website at http://www.vesid.nysed.gov/specialed/timely.htm. The U.S. Department of Education has funded a National Technical Assistance Center on RtI. NYSED will be working closely with this Center to support NYS school districts as they develop and implement high quality RtI programs. Resources relating to RtI can be accessed at www.rti4success.org.

To ensure dissemination to appropriate individuals within a school district, we ask Superintendents to please share this memorandum with other individuals such as Assistant Superintendents for Curriculum and Instruction, Building Principals, Directors of Special Education, School Psychologists, Committee on Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel.

Questions regarding this memorandum can be directed to the Office of Special Education at 518-486-7462 or 518-473-2878 and to the Office of Curriculum and Instructional Support at 518-474-8892.

Please note: If you would like to receive notification of our publications via e-mail, register at www.vesid.nysed.gov/specialed/publications/register.htm.
March 2009

TO: District Superintendents
Superintendents of Schools
Presidents of Boards of Education
Superintendents of State-Operated and State-Supported Schools
Executive Directors of Approved Private Schools
New York City Department of Education
Organizations, Parents and Individuals Concerned with Special Education
Commissioner's Advisory Panel for Special Education Services
SETRC Professional Development Specialists
Regional School Support Centers
Impartial Hearing Officers
Mediators
Other State Agencies

FROM: James P. DeLorenzo

SUBJECT: Response to Intervention Technical Assistance Center (RtI-TAC)

The New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID) announces the award of a five-year contract to establish the New York State (NYS) Response to Intervention Technical Assistance Center (RtI-TAC) to the State University College at Buffalo.

The RtI-TAC is part of the Department’s strategy to promote and build school district capacity to implement a systemic, response to intervention process. RtI is a nationally recognized instructional process that begins with appropriate core instruction; early screening and identification of students who are struggling in academic and behavioral areas; and, continuous monitoring on how well these students respond to changes in targeted instruction to address their learning needs. To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading, effective July 1, 2012, all school districts in NYS must have an RtI process in place as part of its process to determine if a student in grades K-4 is a student with a learning disability in the area of reading. For further information, see the memo Implementation of Response to Intervention Programs at http://www.vesid.nysed.gov/specialed/publications/policy/RTI.htm.

Many of the activities and services of the RtI-TAC will be available to assist all school districts in NYS as they develop their capacity to implement an RtI program. The activities of the RtI-TAC include:
• Compiling/disseminating relevant and useful information, resources and tools relative to RtI.

• Conducting professional development sessions relating to RtI through regional trainings, webinars and other forms of communication to school districts, parents and State funded technical assistance providers (Regional Special Education Technical Assistance Centers) including, but not limited to the following topics:
  o scientific, research-based (or evidence-based) literacy instruction and intervention;
  o progress monitoring of individual students; and
  o use of school data to review and revise instructional programs and interventions.

• Developing a web-based resource on a newly created website which contains:
  o links to research;
  o TAC developed streaming or other forms of video on RtI and data-based decision-making;
  o TAC developed PowerPoint presentations related to RtI implementation;
  o discussion forums; and
  o other relevant information.

• Coordinating with the federally-funded National RtI Center to promote high quality technical assistance in NYS.

In addition to the above, the following activities and services of the RtI-TAC will be available to those school districts identified by VESID through a competitive grant process that are developing and implementing RtI programs:

• Creating, piloting, and refining professional development modules related to implementation of an RtI process in participating schools.

• Providing technical assistance and embedded professional development for implementation of RtI programs.

• Conducting formative and summative assessment of progress of RtI implementation.

In the spring of 2009, VESID will be soliciting applications from school districts in NYS to initiate an RtI process in one or more of its school buildings. Selected applicants must agree to implementation of an RtI process consistent with NYS regulations and current research. Information on the pilot grant project will be posted on the VESID website when the grant materials are available.

Further information on RtI and the RtI-TAC will be posted on the VESID and EMSC websites. For more information on the project, contact VESID at (518) 486-7462 or mgiugno@mail.nysed.gov. To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Building Principals, Directors of Special Education, School Psychologists, Guidance Counselors, Directors of Pupil Personnel and Parent Teacher Associations.

*Please note: If you would like to receive notification of our publications via e-mail, register at www.vesid.nysed.gov/specialed/publications/register.htm.
May 2011

To: District Superintendents  
Superintendents of Public Schools  
Superintendents of State-Operated and State-Supported Schools  
Superintendents of Special Act School Districts  
Principals of Public, Nonpublic and Charter Schools  
New York City Department of Education  
Impartial Hearing Officers  
Special Education Parent Centers  
Regional Special Education Technical Assistance Support Centers  
Commissioner’s Advisory Panel for Special Education Services  
Organizations, Parents and Individuals Concerned with Special Education

From: James P. DeLorenzo

Subject: A Response to Intervention (RtI) Process Cannot Be Used to Delay or Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)

This is to inform you that the United States Department of Education (USDOE), Office of Special Education Programs (OSEP) has issued guidance and clarification regarding the relationship between Response to Intervention (RtI) and evaluations pursuant to the Individuals with Disabilities Education Act (IDEA). Please share this memorandum and the attached federal guidance with appropriate staff, including Directors of Special Education, Committee on Special Education Chairpersons, Directors of Pupil Personnel Service, as well as Parent Teacher Associations. To access this guidance electronically, use the link under Attachment at the end of this memorandum.

RtI is a nationally recognized instructional process that begins with appropriate core instruction; early screening and identification of students who are struggling in academic and behavioral areas; targeted instructional strategies and supports to address learning problems; and continuous monitoring to assess their progress during instruction. New York State regulations define the components for an RtI process and establish parental notification requirements, including notification of a parent’s right to refer a student for an initial evaluation if the parent suspects the student has a disability and needs special education. See 8 NYCRR section 100.2(ii).
New York State regulations also establish procedures for identifying students with learning disabilities (8 NYCRR section 200.4(j)) that recognize and encourage school districts to use the research-based RtI process prior to, or as part of, the individual evaluation to determine whether a student has a learning disability. Effective on and after July 1, 2012, an RtI process is required for all students in grades Kindergarten through grade four suspected of having a learning disability in the area of reading.

State and federal regulations require that if a student has participated in an RtI process, parents must be informed of their right to refer the student for an individual evaluation to determine whether the student has a disability and requires special education. Upon receipt of a referral from a parent, a school district must provide the parent with prior written notice informing the parent of the proposed evaluation and seek consent from the parent to conduct the individual evaluation. Upon receipt of such consent, the initial evaluation must be completed within 60 calendar days and may not be delayed unless the parent and the school district, by mutual written agreement, extend this timeline to another agreed upon date in order for the student to participate in the RtI process as part of the individual evaluation.

If a school district refuses to conduct the initial evaluation of the student upon a parental referral, the district must provide the parent with prior written notice and the parent has the right to request a due process proceeding if it disagrees with the decision. A school district may use the procedures in section 200.4(a)(8) if it does not believe the referral of the student is appropriate. Through these procedures, the school and the parent may reach agreement that the referral be withdrawn and that the student be provided additional general education support services.

Please review the attached federal guidance on this topic and your school district’s procedures relating to individual evaluations. If you have general questions regarding implementation of RtI, please see the guidance document, “Response to Intervention: Guidance for New York State School Districts” at http://www.p12.nysed.gov/specialed/RTI/guidance/cover.htm and further information on the RtI Technical Assistance Center website at www.nysrti.org. Questions regarding this memorandum may be directed to the Office of Special Education Policy Unit at 518-473-2878.

MEMORANDUM

TO: State Directors of Special Education

FROM: Melody Musgrove, Ed.D
Director
Office of Special Education Programs

SUBJECT: A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)

The provisions related to child find in section 612(a)(3) of the Individuals with Disabilities Education Act (IDEA), require that a State have in effect policies and procedures to ensure that the State identifies, locates and evaluates all children with disabilities residing in the State, including children with disabilities who are homeless or wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services. It is critical that this identification occur in a timely manner and that no procedures or practices result in delaying or denying this identification. It has come to the attention of the Office of Special Education Programs (OSEP) that, in some instances, local educational agencies (LEAs) may be using Response to Intervention (RTI) strategies to delay or deny a timely initial evaluation for children suspected of having a disability. States and LEAs have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an RTI strategy.

A multi-tiered instructional framework, often referred to as RTI, is a schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities,
and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors. With a multi-tiered instructional framework, schools identify students at-risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness.

While the Department of Education does not subscribe to a particular RTI framework, the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense, based on the student’s response to instruction. OSEP supports State and local implementation of RTI strategies to ensure that children who are struggling academically and behaviorally are identified early and provided needed interventions in a timely and effective manner. Many LEAs have implemented successful RTI strategies, thus ensuring that children who do not respond to interventions and are potentially eligible for special education and related services are referred for evaluation; and those children who simply need intense short-term interventions are provided those interventions.

The regulations implementing the 2004 Amendments to the IDEA include a provision mandating that States allow, as part of their criteria for determining whether a child has a specific learning disability (SLD), the use of a process based on the child’s response to scientific, research-based intervention.

The regulations at 34 CFR §300.310(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-

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1 The Department has provided guidance regarding the use of RTI in the identification of specific learning disabilities in its letters to: Zirkel - 3-6-07, 8-15-07, 4-8-08, and 12-11-08; Clarke - 5-28-08; and Copenhagen - 10-19-07. Guidance related to the use of RTI for children ages 3 through 5 was provided in the letter to Brekken - 6-2-10. These letters can be found at [http://www2.ed.gov/policy/speced/guid/idea/index.html](http://www2.ed.gov/policy/speced/guid/idea/index.html).
300.311, to a child suspected of having a disability under 34 CFR §300.8. If the LEA agrees with a parent who refers their child for evaluation that the child may be a child who is eligible for special education and related services, the LEA must evaluate the child. The LEA must provide the parent with notice under 34 CFR §§300.503 and 300.504 and obtain informed parental consent, consistent with 34 CFR §300.9, before conducting the evaluation. Although the IDEA and its implementing regulations do not prescribe a specific timeframe from referral for evaluation to parental consent, it has been the Department’s longstanding policy that the LEA must seek parental consent within a reasonable period of time after the referral for evaluation, if the LEA agrees that an initial evaluation is needed. See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg., 46540, 46637 (August 14, 2006). An LEA must conduct the initial evaluation within 60 days of receiving parental consent for the evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. 34 CFR §300.301(c).

If, however, the LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to parents explaining why the public agency refuses to conduct an initial evaluation and the information that was used as the basis for this decision. 34 CFR §300.503(a) and (b). The parent can challenge this decision by requesting a due process hearing under 34 CFR §300.507 or filing a State complaint under 34 CFR §300.153 to resolve the dispute regarding the child’s need for an evaluation. It would be inconsistent with the evaluation provisions at 34 CFR §§300.301 through 300.111 for an LEA to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in an RTI framework.

We hope this information is helpful in clarifying the relationship between RTI and evaluations pursuant to the IDEA. Please examine the procedures and practices in your State to ensure that any LEA implementing RTI strategies is appropriately using RTI, and that the use of RTI is not delaying or denying timely initial evaluations to children suspected of having a disability. If you have further questions, please do not hesitate to contact me or Ruth Ryder at 202-245-7513.

References:
Questions and Answers on RTI and Coordinated Early Intervening Services (CEIS), January 2007
Letter to Brekken, 6-2-2010
Letter to Clarke, 4-28-08
Letter to Copenhaver, 10-19-07
Letters to Zirkel, 3-6-07, 8-15-07, 4-8-08 and 12-11-08

cc: Chief State School Officers
Regional Resource Centers
Parent Training Centers
Protection and Advocacy Agencies
Section 619 Coordinators
**Introduction**

This pamphlet provides parents, families and others with information regarding Response to Intervention (RtI). RtI is a process used in schools to provide well-designed instruction, closely monitor all students' progress and provide additional instructional supports to students who are struggling. This additional help is to assist those students to keep up with learning in their classrooms, particularly in the areas of reading and math.

At the end of this pamphlet, there is a reference list which provides sources for additional information for parents and websites where these resources can be found.

**What is RtI?**

RtI is a school process used to determine if a student is responding to classroom instruction and progressing as expected. In an RtI process, a student who is struggling receives additional instructional support provided by matching instruction to a student's individual needs through a multi-tier instructional model. Each level, also known as a tier, provides instruction with increased intensity such as smaller groups or instructional time focused on specific areas.

RtI focuses on the early prevention of academic difficulty, particularly in the areas of reading and math by:

- ensuring appropriate instruction for all students;
- monitoring students' progress; and
- providing additional levels of instructional assistance (intervention) for students who require support.

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1 In addition to RtI programs focusing on academic difficulties, many schools also use systems of behavioral support based on a RtI model. This system is called “Positive Behavioral Interventions and Supports” or PBIS. For additional information see [http://www.pbis.org/](http://www.pbis.org/).

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**What are the steps in RtI?**

1. **Screening is conducted for all students.**

   **What is screening?**

   Screening is a quick assessment that measures a student's skills or behaviors expected for his or her grade level. Screenings may be conducted once a year or as many as three times per year.

   **How are the results of screening used?**

   Screening for all students helps schools to identify students who are considered at-risk of not learning the necessary skills expected for the student's age or grade level. Depending upon the results of initial screening, a school may recommend that a student be provided additional instructional support to address the student's areas of need.

   **Will a parent be notified of his/her child’s screening results?**

   Some schools notify all parents of his/her child’s screening results, but it is not required. However, if the school recommends that a student receive additional instructional support beyond what is provided to all students in the class, the parent must be notified.

2. **All students receive appropriate instruction.**

   An RtI process begins with providing appropriate instruction to all students by the classroom teacher in the general education class. This is called Tier 1.
**What is appropriate instruction?**

Appropriate instruction means that the methods and materials a teacher uses are based on research showing that most students will be successful if taught in this manner. Since students learn in different ways, it is important for a teacher to use a variety of effective methods and materials to meet the needs of all students in his/her class.

**What is considered appropriate reading instruction?**

Reading instruction should include instruction in the essential elements of reading:

- phonemic awareness: the ability to distinguish the individual sounds of language;
- phonics: the ability to understand letter-sound connections;
- vocabulary development: understanding words to communicate effectively, both orally and in print;
- reading fluency: the ability to read orally with speed, accuracy and vocal expression; and
- reading comprehension: the ability to understand the written words.

**RtI Tiers**

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3. Additional instructional support is provided for students, based upon screening and ongoing measurement of progress.

**How will additional instructional support be provided?**

Students identified through screening as needing additional instructional support, receive assistance designed to meet their needs. This assistance is called targeted intervention. Targeted intervention includes the teaching method or strategy the teacher will use, how often the intervention will be provided and for how long the intervention will be provided.

Within the RtI model, targeted intervention is provided with increasingly intense levels or tiers of support. Increased intensity can mean more time, smaller groups and/or more instruction focused on the specific areas in which the student is having difficulty. Most RtI models provide three tiers of support.

**What is Tier 2 Intervention?**

Tier 2 intervention is in addition to the student's regular classroom instruction and may be provided within the classroom or in a separate room. Tier 2 intervention usually means that a student is:

- taught in a small group;
- receiving additional instruction time; and/or
- taught using various instructional methods such as more opportunities for practice and more intensive instruction on difficult concepts.

For example, a student having difficulty reading may receive instruction in a small group (3-5 students) for 30 minutes per day with a reading teacher. This Tier 2 intervention may be provided by a reading or math specialist. During this time, a student’s progress will be measured regularly (monitored) to see if the intervention is meeting his/her needs.

**What is Tier 3 Intervention?**

For students who are still not progressing with Tier 2 intervention, Tier 3 intervention may be provided. Instruction at this level may be more frequent, smaller group and/or for a longer period of time than that provided in Tiers 1 or 2. Tier 3 may utilize materials or programs which focus specifically on skills with which the student may be having difficulty.
4. **Who determines the level of support (Tiers 1, 2, 3) for each student?**

If a student is identified as needing instructional support, a team may meet to review information from the student’s classroom work, screenings, and State and district-wide assessments. This team typically includes the student’s classroom teacher(s), the parent(s) and other staff such as a reading teacher and school psychologist. The team will recommend what type of instructional support the student needs and how often and for how long the instructional support will be provided. The team will also decide on how often the student’s progress will be monitored to determine if he/she is responding to the instructional support.

5. **What is progress monitoring?**

Progress monitoring involves a frequent assessment of a student’s performance in specific skill areas. Progress monitoring is used to determine whether the specific instructional support is working and to provide information to the student’s teacher on how to adjust instruction to meet the student’s needs.

How often does progress monitoring occur?

How often a student’s progress should be monitored will vary by school, the level of intervention and by the individual student’s needs. In many cases, schools will monitor individual student progress once every other week or as frequently as every week. Many schools that use an RtI process will chart the student’s progress on a graph to see if progress is being made. This will help identify where there is a gap between how the student is performing and what is expected of other students of the same age or grade.

Progress monitoring also helps school staff know if the instructional support that is being provided needs to be changed.

6. **What information will parents receive in the RtI process?**

Parents should receive screening results from the school, as well as regular updates on his/her child’s progress in the classroom. However, schools must make progress monitoring information available to parents of students receiving Tier 2 or 3 levels of intervention.

Parents of students requiring Tier 2 or 3 support must be provided with information describing the:
- amount and type of student performance data that will be collected and the general education services that will be provided;
- strategies for increasing the student’s rate of learning; and
- parents’ right to request an evaluation for special education programs and/or services.

Each parent of a student participating in an RtI process is encouraged to meet regularly with teachers and school staff who are providing instructional support to the student in order to review the student’s progress.

Teachers may ask a parent to help support the student’s progress in a number of ways. They may ask that the parent read to his/her child, have him or her read to you and/or engage in other activities that promote positive growth in skills.

**What if a student is not making progress even when provided with the most intense interventions at Tier 3?**

There is a small percentage of students who do not make the expected progress and who may require further evaluation to determine other reasons for the lack of progress. Whenever there is concern that the student might have a disability affecting his/her ability to progress, the school will seek the parent’s consent to conduct an individual evaluation to determine if the student needs special education services. The information gathered through the RtI process will be considered as part of this evaluation.

If, at any time, a parent thinks that his/her child may have a disability, the parent should make a written request to the school to have the student evaluated for special education services. This written request could be given to the student’s teacher, the school’s special education office or the building principal,
Resources


This website is developed and maintained by the federally-funded National Center on RtI. Among the many resources, there are a number relating to parents and parental involvement. Since it is a new and active website, the number of resources will grow.

National Reading Panel. TEACHING CHILDREN TO READ: An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction. Updated 10/06 (Materials retrieved 5/08) http://www.nationalreadingpanel.org/


New York State Education Department (NYSED) - http://www.p12.nysed.gov/


New York State Response to Intervention Technical Assistance Center. The NYS RtI-TAC is funded by the NYS Education Department as part of the Department’s strategy to promote and build school district capacity to implement a systemic, response to intervention process. www.nysrti.org.

Office of Special Education Programs (OSEP) Technical Assistance Center on Positive Behavioral Interventions and Supports - http://www.pbis.org/


The ABCs of RtI, Elementary School Reading, A Guide for Parents, Mellard, D., McKnight, M., Deshler, D., December 2007