



IDEA 2004 Training Series

Missouri Department of Elementary &
Secondary Education

Fall, 2007

The Individuals with Disabilities Education Act was reauthorized and signed into law on December 3, 2004 and final federal regulations were published on August 14, 2006. After publication of the final federal regulations, the State of Missouri revised State Regulations and the Compliance Program Review Standards and Indicators Manual and numerous model forms. This presentation, Response to Intervention and Early Intervening Services, is one in a series of trainings to inform the field of the major changes in state and federal regulations and the implementing changes made in the Compliance Standards and Indicators Manual and the state model forms.

We hope you enjoy this series of trainings and find the information useful in your role as an educator, parent, advocate or other individual interested in the education of children with disabilities.

Other topics in this series are:

Discipline for Children With Disabilities

Special Education Data Collection and Reporting Overview

Finance of Special Education

The Special Education Process and Changes in IDEA

The Special Education Complaint Process

Administration of Special Education

Postsecondary Transition

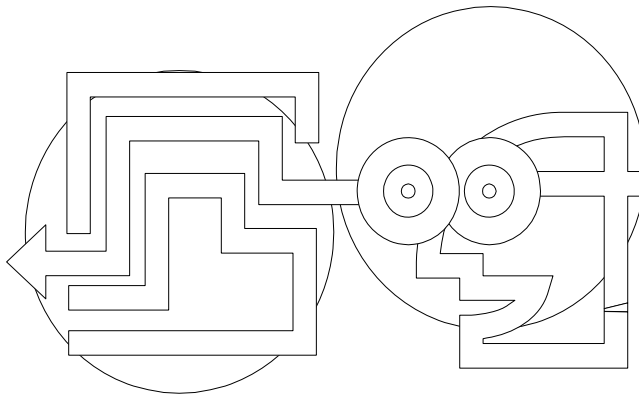
Special Education Training Series Fall, 2007

- Resources & handouts
 - <http://www.dese.mo.gov/divspeced/Compliance/index.html>.
- Questions & comments
 - webreplies@dese.mo.gov or by calling the Division of Special Education at 573-751-0699

Resources and handouts for each of the presentations in the series can be found at the website shown on the screen. We encourage you to obtain the documents for this presentation prior to viewing.

The Division of Special Education welcomes questions that participants may have after viewing the presentations. Questions can be submitted to the mailbox shown or by calling the Division of Special Education at 573-751-0699.

Response to Intervention (RtI) Early Intervening Services (EIS)

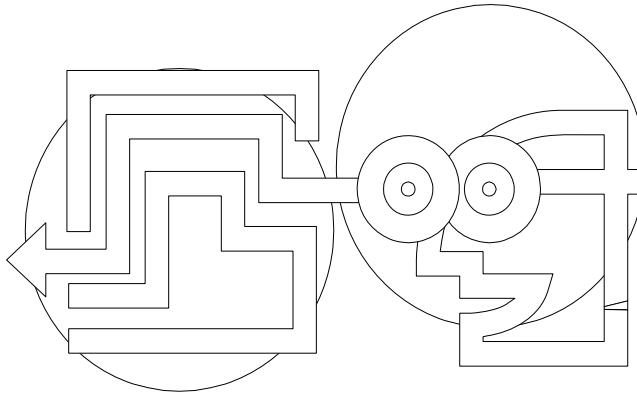


The reauthorization of IDEA in 2004 included two new terms and concepts for the field of special education. Those were Response to Intervention or RtI and Early Intervening Services or EIS. This training will cover these concepts and especially how they apply in the identification of students with disabilities.

During this presentation we will be discussing revisions to the Federal and State Regulations related to identification of students with Specific Learning Disabilities. We will include information related to use of data gathered through an RtI process as part of an evaluation for Specific Learning Disability and use of funds for Early Intervening Services to prevent students from being referred for special education services.

Response to Intervention (RtI)

- Broad view vs. Narrow View



First, let's talk about Response to Intervention.

Response to intervention – hereafter referred to as RtI – is a new component within IDEA 2004 and the final Part B regulations. There are two ways to view RtI – from a Broad view and a Narrow View. We will discuss each of these views briefly and then look at what the regulations require for using RtI as a method of eligibility determination for specific learning disabilities.



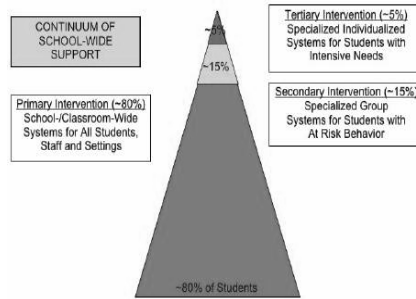
Response to Intervention (RtI)

- Broad view looks at RtI as a general education process to provide appropriate instruction to all children with regular progress monitoring. Goal is to provide for the needs of most children in the general education classroom and reduce referrals to special education.

The Broad view of RtI refers to its use as a whole school tiered intervention system in the general education environment.

Response to Intervention

Figure 1. Continuum of Intervention Support for At-Risk Students



- Adapted from "What is School-Wide PBS?" OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports. Accessed at <http://www.pbis.org/schoolwide.htm>.



RtI Resources

- A link is available to RtI resources in the “Broad View” on the DESE Special Education website at www.dese.mo.gov/divspeced/

This has been just a brief overview of RtI as a general education process. For resources related to RtI in the “Broad view” you can go to the DESE Special Education website for a link to different federal resources and policy documents on RtI and the benefits of an RtI system for all children.



Response to Intervention (RtI)

- Narrow view looks at RtI as a process for identification of Specific Learning
- IDEA Federal Regulations refer to RtI in the narrow view

Even with the highest quality of curriculum and instruction and a high level of intensity of intervention, the probability exists that children with disabilities will not respond in the same way to these interventions as children without a disability. The use of data collected during an RtI process is an option allowed by IDEA Federal and State regulations when identifying students with Specific Learning Disabilities.

The next part of this presentation will address RtI from the “narrow view” or what is required when using an RtI method to identify students with Specific Learning Disabilities.

Specific Learning Disabilities (SLD)

- IDEA 2004 statute and regulations require that the State:
 - Must not require the use of a discrepancy between intellectual ability and achievement when identifying a child with SLD, and
 - Must permit the use of a process based on the child's response to scientific, research-based intervention (RtI).

Prior to IDEA 2004, the “severe discrepancy” model was the prevailing method for identifying children as Learning Disabled. According to the comments to the final regulations, “Consensus reports and empirical syntheses indicate a need for major changes in the approach to identifying children with SLD. Models that incorporate RtI represent a shift in special education...” This call for a change came about as a result of some concern regarding the use of a “severe discrepancy” approach due to its many limitations, including the lack of agreement on how severe a discrepancy must be in order for an SLD to be determined and a genuine concern about the amount of time needed in some children to establish the “discrepancy” between achievement and ability. With a discrepancy model, a child might have to fail for several years before a disability determination would be made, thus it often called the “wait to fail” model.

With the use of RtI, data can be gathered at a much earlier age to show that the student has not made progress over time with high quality, intensive interventions conducted by qualified personnel. Specific characteristics of a student with a learning disability can be identified and the information can be used as a component of a complete evaluation.

With the use of data collected through an RtI intervention system, a severe discrepancy is not required, but a complete evaluation that meets all State and Federal requirements is needed. Also, while standardized testing is not required, it may be needed in certain circumstances to ensure that information is available in all required areas. Decisions should be made on a case by case basis.

As you will notice, both the state and federal regulations continue to allow the use of



District SLD Policies

- Must have written procedures regarding the process that will be used to determine a child eligible under the category of SLD

New State regulations also require Districts to formulate a written policy stating the processes they will allow their schools to use for SLD consideration. There are several options that could be selected by districts. This information can also be found on the DESE Special Education website as part of a Guidance paper for Identification of SLD. When developing this written policy, there are several options that could be selected by a district.

Examples of District Options for Eligibility Determination for SLD

- Use an RtI model for grades K-2 and a discrepancy model for grades 3-12
- Use a discrepancy model until all the components for use of an RtI model are in place in the district
- Use different models at different schools
- Use only an RtI model districtwide
- Use only a discrepancy model districtwide

This slide shows some examples of the options that districts might choose from when implementing a system for identification of children with SLD. Even though districts have several options to choose from, they must develop a written policy for the option or options they will use. It is not allowable to use RtI on a case by case basis. Districts may choose to change their policy at any time, but again, it must be done in writing and implemented as written.

Some of the ways that districts might choose to implement models for identification of students with specific learning disabilities are:

Use an RtI model for grades K-2 and a discrepancy model for grades 3-12

Use a discrepancy model until all the components for use of an RtI model are in place in the district

Use an RtI model at some schools in the district and a discrepancy model in other schools

Use only an RtI model districtwide

Use only a discrepancy model districtwide

The choice is up to the district and what works for one district may not work for another.



Written Policy on Use of RtI

- If the district decides to use data from an RtI system as a method of SLD identification, it must develop and maintain specific written policy related to identification of students.
- The DESE has policy guidelines that the agency must follow, at a minimum

For districts that choose to implement a whole-school method of RtI and use the information gathered from that method to identify students with SLD, the state regulations require that the district have written procedures for implementation of the RtI method, that, at a minimum, incorporate guidelines developed by the State Agency. DESE division of SPED has developed a set of RtI guidelines that districts must follow when developing written policies related to identification of students for SPED using data from an RtI system. This is available on the DESE Special Education website along with a Guidance document for Identification of Specific Learning Disabilities. In the next few slides, we will go over each of the components of the written policy guidelines.

Policy Requirement #1

- Intervention Selection criteria
 - Intervention chosen must be research or evidence-based. Evidence must be present that the intervention was effective for the particular problem addressed and for the type of student. They must be instructional and not modifications/ accommodations.

The first policy requirement is that the intervention used with the student must be research or evidence based and that this evidence must be documented. The evidence must show that the intervention selected works for the particular learning problems shown by the student and for the type of student with whom the intervention is used.

The interventions cannot be modifications or accommodations to existing teaching methods (although these may be useful for a particular student). For example, reducing the level of reading is a modification and not an instructional method.

For more information on research-based interventions, check the Division website for the Missouri Project.



Policy Requirement #2

- Number of interventions that will be required prior to a decision regarding moving a child to another level of interventions or referring the child for a special education evaluation.
 - DESE guidelines require a minimum of two (2) interventions, but the district may specify more.

The second policy requirement addresses the number of interventions that are required prior to making a decision that the child is not responding and that they need to move to another level of interventions or should be referred for a special education evaluation. As with any of the other policy guidelines, the DESE has specified a minimum number that must be included in the district policy, but the district may choose to specify more.



Policy Requirement #3

- Number of total intervention sessions that will be required prior to making a decision to refer for special education or prior to making an eligibility decision for SPED classification.
 - DESE requires a minimum of 24 intervention sessions over 2 interventions. The sessions should be frequent, pre-specified, structured, planned, and documented to show fidelity of implementation.

Daily intervention sessions would be best, but are not required. Again, 24 intervention sessions are a minimum requirement and the district can choose to require more. All sessions must be planned ahead of time and implemented as planned. Documentation must be present that demonstrates the sessions were held and what content was presented.



Policy Requirement #4

- Implementation fidelity.
 - How documentation will be maintained to show the interventions were carried out as planned by qualified personnel.

A key component to Rtl is Fidelity of Implementation. If the district cannot demonstrate that the interventions were carried out as planned, then the integrity of the model is lost. There must be evidence to show that the interventions were carried out as planned. This can include permanent products, such as checklists, or written observations by an independent party. The district must determine how this data will be collected and maintained. Remember also that all interventions must be conducted by qualified personnel.



Policy Requirement #5

- Frequency and duration of progress monitoring.
 - The data must be collected and documented at least once a week and the duration must allow for no fewer than six data collection points for each intervention conducted.

While the minimum requirement is that the data be gathered at least once a week and there must be at least 6 data collection points per intervention, districts may choose to select a higher number. It is usually most beneficial to collect data with each intervention session. In any case, the data gathered must provide sufficient data to ensure that a reliable and valid decision can be made for each student- in other words, that you can get clear information on whether or not the student is responding to the intervention as implemented.

Policy Requirement #6

- Criteria for determining a student's responsiveness to intervention.
 - This must include
 - a) the rate of progress, and
 - b) academic skill level

•The procedures must state how it will be determined if the student is responding to the intervention and must include both a) the rate of student improvement during instruction (rate of progress) and b) adequate final performance at the end of instruction (academic skill level).

• In other words, it must include the criteria for how quickly the student is increasing targeted skills through intervention and what level of increase would be acceptable for determining whether or not the intervention is successful.

•In order to monitor student growth, targets must be established for student progress. Districts may establish cut scores for weekly rates of growth and final benchmark levels, utilizing data collected in their districts over time or scores associated with established systems of progress monitoring.

•Decision-making rules must be established in advance to decide whether the intervention should be continued or if the student is not responding adequately to the intervention and the intervention should be changed or intensified.

Policy Requirement # 7

- Decision rules used for a referral for a special education evaluation.
 - This would be for districts who use RtI as a whole school system.

- The agency policy must identify the specific criteria that will be used to determine when the district suspects the student has a disability and a referral for a special education evaluation should be made.

- The criteria should define the district's decision rules to determine the student's lack of sufficient response to two intervention cycles of increasing intensity.

- The criteria must be based upon the student's academic skill level and the rate of progress achieved by the student toward the goals set during the intervention phase and must include all the information relevant to making an appropriate decision and to rule out other factors that may impact the students ability to learn and achieve at a rate commensurate with his/her grade level peers.

Policy Requirement #8

- When parents are notified.
 - For a whole school RtI model, regulations require that districts notify the parents when the decision is made to move the student from general classroom interventions to more targeted interventions (Tier I to Tier II).
 - For “narrow view”
 - Procedural Safeguards must be provided within 5 days of the referral, and
 - Notice of Intent to Evaluate with Consent must be provided within 30 days of the referral.

When the district is using the “Broad View” of RtI and is using information collected from that process as part of an evaluation for students referred for special education, the regulations require that districts notify the parents of certain things whenever the child is moved to a more intensive level of intervention. This has been interpreted to mean when a student is moved from “Tier I” to “Tier II” interventions.

If RtI is only being used in the “Narrow view” or for LD eligibility determination purposes only, then the regulatory requirements regarding referral and provision of Prior Written Notice apply.

Parental Notification When Child is Participating in an RtI “Whole School” Model

- Must include:
 - Amount and nature of student performance data to be collected
 - Strategies or interventions to be used
 - Parental right to request an evaluation at any time
 - Procedures parents must follow to request an evaluation
- Must be provided when child is moved from Tier I to Tier II Interventions

As was discussed on the previous slide, regulations require that when a child is participating in a Response to Intervention Model as part of a general education intervention program, the agency must notify the parents of certain things whenever it is determined that the child needs to be moved to more intense interventions. This has been interpreted to mean when a child is moved from Tier I to Tier II Interventions. The notification to the parents must include the amount and nature of student performance data that will be collected, the strategies or interventions to be used, the parent’s right to request an evaluation at any time and the procedures that the parents must follow to request an evaluation. This notification does not have to be accompanied by the Procedural Safeguards statement at this time as this is generally not considered to be a referral for special education as usually at this point, the district is not suspecting that the child has a disability, but is just trying to determine what interventions to implement and if they will be effective for the child.



For SPED Only Interventions

For districts who are conducting interventions for use for SPED evaluation purposes only, the data collection/ interventions would be conducted within an existing evaluation time frame (60 days).


If the district is using Rtl data collection and interventions solely for special education purposes, then they already suspect that a student has a disability and must start the evaluation process, including provision of the procedural safeguards statement and a prior written notice. In this case, the interventions would be conducted as part of the special education evaluation.



RtI and SPED Assessment

- At any time that the district suspects that the child might have a disability, the agency must promptly request parental consent and adhere to evaluation timelines, unless
- Timelines are extended by mutual written agreement of the child's parents and the group of qualified professionals

At any time the agency suspects that the child might have a disability, the agency must promptly request the parent's consent to evaluate and adhere to the evaluation timelines. Extension of the timelines for evaluation may occur if the group of qualified professionals and the parents agree **in writing** that more time is needed for interventions. This is one of the few acceptable reasons for extending the timeline.



Office of Special Education Programs (OSEP) Comments on RtI

- RtI does not replace a comprehensive evaluation
- Cannot use a single procedure as the sole basis for making an eligibility determination
- Must use a variety of data-gathering methods
- Must use a variety of assessment tools and strategies

There are many RTI models in use. The U.S. Department of Education and the State of Missouri do not mandate, recommend, or endorse any one specific model. In RTI, progress monitoring is critical to pinpoint the child's area(s) of difficulty and keep close track of the child's progress. The district must develop written guidelines if they are going to use an RtI model to identify children as Learning Disabled and the staff must use those guidelines to decide which children are not making adequate progress or responding to the intervention and might need to be referred for a special education evaluation.

The Office of Special Education Programs or OSEP made it very clear in the comments to the final regulations that the use of RTI is not intended to replace a comprehensive evaluation. OSEP states that "RtI is only one component of the process to identify children in need of special education and related services. Determining why a child has not responded to research-based interventions requires a comprehensive evaluation." IDEA requires that evaluation teams gather a wide range of information about a child suspected of having a disability, any disability. This evaluation must involve a variety of tools and strategies. The RtI process can provide much of this information. It is up to the group of qualified professionals and the parents of the child to determine what, if any, additional data is needed to make an eligibility determination and then it is the responsibility of the district to determine how that information will be collected and ensure that it is.

Specific Learning Disabilities (SLD)

- Required Observation (300.310)
- Documentation required for eligibility determination

The next few slides list components of an LD evaluation and eligibility determination that must be done, regardless of which model (Rtl or Discrepancy) the district is using.

As part of any SLD evaluation, an observation is still required in each area of suspected disability. If an Rtl process is used, the group can determine if adequate classroom observations were collected through the data collection/ Rtl process or if other classroom observations are necessary.

The requirement for observation of the student is found in Federal Regulations and this must be documented as a part of the evaluation report.

Specific Learning Disabilities (SLD)

- Group Members (no change)
 - Federal Regulation 300.308

One component of these requirements is the group members involved in the eligibility determination. The Federal Regulations state that “... the determination must be made by the child’s parents and a team of qualified professionals, which must include –”

1. The child’s regular teacher, or a regular classroom teacher qualified to teach a child of his or her age
2. At least one person qualified to conduct individual diagnostic examinations of children.

Other group members may include persons who are necessary to provide information related to the child’s learning and academic needs.

Identification of Specific Learning Disabilities (SLD)

- To ensure that underachievement is not due to lack of appropriate instruction in reading and math, the group must consider, as part of the evaluation...
 - Data to demonstrate appropriate instruction in regular education setting by qualified personnel
 - Data-based documentation of
 - repeated assessments of achievement
 - At reasonable intervals
 - Reflecting formal assessment of student progress during instruction
 - provided to child's parents

A new requirement in IDEA 2004 are some additional considerations that must be made as part of the evaluation by the group of qualified professionals and the parents of the child. Again, these things are required to be done, regardless of the model of eligibility determination the district is using (Rtl or Discrepancy).

1. The first requirement is that there must be data to demonstrate that the child received appropriate instruction in the regular education setting by qualified personnel

2. The second requirement is that there must be data-based documentation of

- repeated assessments of achievement
- Given At reasonable intervals
- The assessments must Reflect formal assessment of student progress during instruction
- And the results must have been provided to the child's parents.

All of this must be considered by the eligibility determination team as part of the evaluation and documented in the evaluation report.

Specific Learning Disabilities (SLD)

- Exclusionary Factors (Previously required)
 - Visual, hearing or motor disability
 - Mental retardation/intellectual disability
 - Emotional disturbance
 - Cultural factors
 - Environmental or economic disadvantage
 - Limited English proficiency
 - Lack of appropriate instruction in reading
 - Lack of appropriate instruction in math

Regardless of which method of identification is used, all of the same considerations must be made by the group making the eligibility decision as were previously required. Remember- in the area of reading the lack of appropriate instruction must be considered for all 5 skill areas of reading.

These factors may be found in the Federal Regulations, Sections 300.306 and 300.309. The group members must ensure that these factors are not the primary reason for the student's learning difficulties and that a SLD is causing the delays in learning.

LD Eligibility using a Discrepancy Model

- Guidance regarding this model can be found on the DESE website

As this training is focused on the use of Response to Intervention in LD eligibility determination, we will not be covering the requirements for using a discrepancy model. However, guidance on using this model for making a determination of eligibility for a student with a suspected Learning Disability can be found on the Division of Special Education website at



Early Intervening Services (EIS)

- New in IDEA 2004 (CFR 300.226)
- Up to 15% of Part B federal funds may be used
 - For students in K-12 (emphasis on K-3)
 - Need additional academic and behavioral support in general education environment
 - Not currently identified as special education

Early Intervening Services is a new concept that was also introduced in the IDEA 2004.

Response to Intervention and Early Intervening Services go hand in hand. In order to encourage districts to implement Response to Intervention models, the IDEA allows for up to 15% of the district's Part B federal funds to be used for provision of services to children who are "at risk" of not succeeding in the regular classroom and who might ultimately be referred for a special education evaluation and be found eligible for special education services. The district may include all children from Kindergarten through grade 12, however, the statute and regulations encourage districts to place an emphasis on children in grades kindergarten through three. The regulations are also very clear that children who have already been identified as disabled and are being served under an IEP cannot participate in activities provided through these funds.

Early Intervening Services (EIS)

- Allowable activities
 - Professional Development for teachers and other school staff to enable them to
 - Deliver scientifically based instruction and interventions
 - Providing educational and behavioral evaluations, services, and supports (including scientifically-based literacy instruction)

The statute and regulations stipulate two specific types of activities that may be provided with these funds.

- The first type is Professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software.
- The second type of activities are educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.



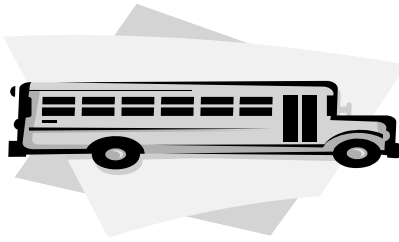
Early Intervening Services (EIS)

- Data Reporting Requirement
 - Number of children that the district provided early intervening services with the 15% funds
 - Number of children receiving EIS services and subsequently received special education and related services during the preceding two year period

Finally, if a district chooses to use up to 15% of their Part B federal funds to provide Early Intervening Services, they must report certain data to the Division of Special Education. More information on this data reporting requirement will be given in the Data Collection and Reporting Overview presentation that is a part of this series of trainings. Districts may also contact the Data Coordination, Funds Management or Effective Practices sections in the Division with questions regarding use of funds, allowable activities and data reporting for Early Intervening Services.

RtI & EIS

- Good for all kids



That concludes our presentation on Response to Intervention and Early Intervening Services. Thank you for spending some time watching our training. We hope that we have given you some useful information on Response to Intervention and Early Intervening Services. As was stated earlier, if after watching this presentation you have questions or comments regarding RtI or EIS, please contact us via e-mail or phone. We will be happy to respond to your questions.