RESPONSIVENESS TO INTERVENTION REDUX

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What is Response to Intervention (RTI)?

1. **Universal screening:** In RTI approaches, the performance of all students is evaluated systematically to identify those who are (a) making adequate progress, (b) at some risk of failure if not provided extra assistance, or (c) at high risk of failure if not provided specialized supports.

2. **Continuous progress monitoring:** In RTI approaches, student progress is assessed on a regular and frequent basis in order to identify when inadequate growth trends might indicate a need for increasing the level of instructional support to the student.
3. Continuum of Evidence-Based Interventions:

- RTI approaches assume multiple levels of interventions that vary in intensity or level of support derived.

- RTI provides children with a level of instructional intensity matched to their level of need and then provides a data-based method for evaluating the effectiveness of instructional approaches from scientifically validated research.

- A core curriculum is provided for all students, modification of this core is arranged for a targeted group of students who do not show adequate growth in response to the core curriculum, and an individualized intensive curriculum is implemented for students who do not show adequate growth in response to the modified curriculum.
4. **Data Based Decision-making and problem solving:** At the heart of the RTI approach is instructional decision-making based on student performance or growth on curricular outcomes and modifications or adaptations that are implemented when insufficient growth is noted.

5. **Implementation Fidelity:** RTI requires specific procedures for regular documentation of the level of implementation (e.g., were the modifications of the teaching practices implemented consistently and with a high degree of accuracy) of each of the features of the model. L. Fox et al., Response to Intervention and the Pyramid Model (June 2009).
MODELS OF RESPONSE TO INTERVENTION

• When RTI is properly implemented, it focuses on providing every student with quality instruction. This allows teachers to distinguish between those students who actually have a disability and those students who simply receive poor instruction in the past. See William N. Bender & Cara Shores, Response to Intervention: A Practical Guide for Every Teacher 1-4 (2007).

• Most school districts use a RTI model that involves “tiers” of intervention which includes the least intrusive form of monitoring to more intensive methods. See Douglas Fuchs and Lynn S. Fuchs, Responsiveness-to-Intervention: A Blue Print for Practitioners, Policymakers, and Parents, Teaching Exceptional Children, 57-61 (Sept/Oct 2001).
Georgia RTI Model

**Tier 1:**
- Universal screening or benchmarking is conducted at school level.
- Evidence-based curricula and strategies in place for all students.
- Differentiation is documented by general education teachers through the general education environment.
- At-risk students are identified in an area of instructional delay (language, academics, behavior).
- Data are analyzed by classroom general education teachers for decision making.

**Tier 2:**
- Parent is notified that additional small group instruction may be needed for the student.
- Parent is contacted concerning strategies to be attempted.
- Small group instruction is provided in addition to the core curriculum.
- Progress monitoring is administered frequently to determine whether a change in delivery or strategies is required.
- Data are analyzed by classroom general education teachers for decision making.
Georgia RTI Model

Tier 3:

- Baseline and progress monitoring data from Tier 2 are analyzed to create specific goal(s) for student improvement.
- The SST may determine the need for additional information on a student including the use or administration of informal and formal measures to gather individual data in the area of concern.
- The interventions are continued if the student is making progress using the SST interventions; however, if progress toward the goal is minimal, SST members will revise or change the intervention.
- The SST may make a referral to special education (Tier 4) if the intervention plan and its revisions are not successful in helping the student meet the goals identified by the SST.

Source: Georgia Department of Education Special Education Rules Implementation Manual, Chapter Five: Special Education Eligibility Requirements (April 18, 2011)
TIERS OF INTERVENTION FOR RTI

At the first tier, all students are involved. At second tier, some students who are underperforming receive specialized instruction. At third tier, a few students receive individualized instruction. Under the tier paradigm, there is no universal timeline when a child is referred for an evaluation to determine eligibility for special education. The duration, frequency and time of each tier depends upon the RTI that is implemented. A continuum of evidence-based interventions is an integral part of the RTI Model.

Pyramid of Interventions Problem-solving Matrix

**Tier 4**
Specialized Instruction, Monitoring per IEP

**Tier 3**
Progress Monitoring Data - weekly
- Four weeks, regression/no progress, revise (repeat if not successful)
- Four weeks, progress, continue for minimum 12 weeks total

**Tier 2**
Progress Monitoring Data every 2 to 3 weeks
- Three data checks, regression/no progress, lowest 25%
- Three data checks, progress

**Tier 1**
Universal or Benchmark Data Monitoring - for at least a grading period
- At-Risk Student
  - Teacher analyzes benchmark data and moves student to Tier 2.
- On Target Student
  - Teacher analyzes benchmark data and keeps student in Tier 1.
Georgia Department of Education Resources on Response to Intervention

Questions for RTI Analysis in Georgia

1. Is RTI required by statute or regulation?
2. What type of RTI guidance documents are available?
3. What type of data collection documents are required or described?
4. What is the frequency of RTI data collection?
5. What is the practice regarding fidelity?
6. How is progress or responsiveness defined?
7. How is non-responsiveness to intervention measured?
8. Is cognitive testing required?
RTI Data Collection

(a) Progress Measures (data over time); criteria for multiple measures, (several different measures); specific measures, (i.e., curriculum-based measurements); individual data analysis (i.e. factors contribution to change), and; actual instructional strategies (i.e., description of interventions).

(b) Data collection is required “during instruction.” 34 C.F.R. § 300.309(b)(2).

(c) IDEA does not address who collects data.

(d) Data must be collected at “reasonable intervals.” 34 C.F.R. § 300.309(b)(2)

(e) IDEA does not address how much data should be collected
**Fidelity of Instruction**

IDEA does not indicate that instruction should be implemented with fidelity.

States use term instruction to reference Tier 1 and intervention for Tiers 2 and 3. States may use terms interchangeability when referring to fidelity.
Criteria for Responsiveness

(a) Was the intervention effective and did the child make progress?
(b) Some states use comparison of year-end benchmarks, criterion-referenced or norm-referenced testing. E.g. CRCT, GMAP
(c) Measurement of lack of response to intervention linking achievement to a particular standard deviation below the mean after intervention.
(d) Documentation of achievement gap despite interventions.
(e) Documentation of a limited rate of progress
(f) Documentation of dual discrepancy in both achievement and rate of progress.
Cognitive Processing Assessment Requirement

1. Use of cognitive processing assessment part of identification of SLD.
2. Recognition of processing deficits that impact learning.
3. Use of severe discrepancy test.

Child Find Obligation and RTI

The Georgia Department of Education Special Education Rules Implementing Manual, Chapter 5, at p. 50 of 218 states, in part, “there is no need to classify children as having a disability if a significant educational impact is not obvious. . . . In addition, it is critical that all factors (e.g. curriculum, effective instruction, school classroom, and home environment be examined prior to assuming that an intrinsic disability is responsible for poor performance” (emphasis in original).
The Georgia Department of Education Special Education Rules Implementing Manual, at p. 27 of 218 states, in part, “Child Find is a critical part of the special education process for all children suspected of having disabilities. With the implementation of the Pyramid [of Interventions] and the focus on progress monitoring and response to interventions, only those students who are not making progress, despite evidence-based instruction, will be referred to special education to determine their eligibility.”

Georgia Department of Education Regulations, Chapter 160-4-7-.03-2 require that “[p]rior to referring for consideration for eligibility for special education and related services, a student must have received special scientific, research or evidence based interventions selected to correct or reduce the academic, social or behavioral problem(s) the student is having.” An exception may be made in circumstances where an immediate evaluation or placement is required due to a significant disability.
OSEP emphasized that it would be inconsistent with the evaluation provisions at 34 C.F.R. § 300.301 through 34 C.F.R. § 300.11 for a local educational agency to reject a referral and delay the provision of an initial evaluation on the basis that a student has not participated in the RTI process. OSEP cautioned that the district is free to deny an evaluation in response to a referral if it does not suspect a disability; but it also must notify the parent of this decision and then cannot wait and see how the student responds to RTI.

Memorandum to State Directors of Special Education, 2011 OSEP MEMORANDUM, supra, at 56 IDELR 50 (OSEP 2011); See Letter to Combs, 52 IDELR 46 (OSEP 2008)(for a child facing disciplinary procedures under 34 C.F.R. §300.530, an expedited evaluation should occur even if the RTI process is ongoing for the child).
A parent can request an evaluation at any time. 34 C.F.R. § 300.301(b)(2006). OSEP stated that a state educational agency may choose to establish a specific timetable requiring a local educational agency to secure parental consent for a student if the student has not made progress. See Question and Answers on Response to Intervention (RTI) and Early Intervention Services (EIS), 47 IDELR 96 (OSEP 2007). See Letter to Anonymous, 49 IDELR 106 (OSEP)(If the RTI model is not required but is permitted by the district then a school within the district does not have to wait until RTI is fully implemented in all schools within the district before using RTI as part of the identification process for students with SLD). But OSEP warned that it would be unwise to require a process based upon the child’s response to intervention before implementation of that process has been successfully implemented over time. Id.
"Specific Learning Disability

“The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage." 34 C.F.R. § 300.8(c)(10).
DETERMINING SLD ELIGIBILITY

For a child suspected of having a SLD, the documentation of the determination of eligibility must contain a statement of:

. . . If the child has participated in a process that assesses the child’s response to scientific, research-based intervention –

34 C.F.R. §300.311(a)(7).
The term scientifically-based research has same meaning as given the term in the No Child Left Behind Act. 34 C.F.R. § 300.35. See 20 U.S.C. § 6368(6):

... applies rigorous, systematic, and objective procedures – it includes research that employs systematic, empirical methods that draw on observation or experiment; rigorous data analyses to test stated hypothesis and justify the general conclusions drawn; relies on measurement or observational methods that provide valid data across evaluations and observers; and it has been accepted by peer-review journal or approved panel of independent experts through a comparably rigorous, objective and scientific review.
STATE CRITERIA FOR SLD

• State must allow the use of a process designed to determine if a student responds to scientific, research-based intervention (such as RTI) or other alternative research-based procedures must align with the criteria established by IDEA 2004 federal regulations.

• State must align with the criteria established by IDEA 2004 federal regulations. Georgia uses RTI and cognitive testing

• A local educational agency must use the State criteria adopted under § 300.307(a) in determining whether a child has a specific learning disability as defined under § 300.8 (c) (10). 34 C.F.R. § 300.307(b).
For a child suspected of having a SLD, the documentation of the determination of eligibility, and contain a statement of:

- Whether child has a SLD
- Basis for making determination
- Relevant behavior, if any, noted in observation of the child
- Educationally relevant medical findings, if any
- Whether child does not achieve adequately for child’s age or meet State-approved grade-level standards and child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards or intellectual development
- Determination of factors listed in §300.309(a)(3)
- Documentation of RTI
- Documentation to parents about State’s policies regarding student performance data that would be collected and general education services that would be provided; strategies for increasing child’s rate of learning; and parent’s right to request an evaluation.
- Documentation of group’s concurrence or dissent with the determination of child’s SDL.

34 C.F.R. § 300.311
SLD Eligibility Step 1: Determination of Achievement

- Does the student fail to achieve adequately for his age in one or more of the following eight areas:
  - Oral expression
  - Listening comprehension
  - Written expression
  - Basic reading skill
  - Reading fluency skills
  - Reading comprehension
  - Mathematics calculation
  - Mathematics problem solving
- This determination will be based on the student's mastery of grade-level content appropriate for the student's age, including performance against the state's academic content standards in reading and math. For a student who has been retained in a grade or is otherwise not in the grade typical for his age, achievement against the state's grade-level academic standards for the student's enrolled grade might be used to determine underachievement.
Step 2: Determination of Responsiveness of Interventions or a Pattern of Strength and Weaknesses

- Does the student fail to make sufficient progress in achievement considered adequate for his age (or enrolled grade-level standards) when provided with a series of scientific, research-based interventions?
- Documentation of a student's progress during a process of increasingly intensive interventions, such as those that occur in the RTI approach, can provide useful information for determining whether a student has an SLD and needs special education. Note that:
  - This documentation of progress is generally done using curriculum-based based measurements (CBM).
  - An intervention process generally takes place prior to referring a student for a complete evaluation.
  - Determining why a student has not responded to research-based interventions requires a comprehensive evaluation.
Step 2

Do the results of the student's assessments and evaluations show a pattern of strengths and weaknesses in her academic performance, achievement (or both), or in intellectual development?

Patterns of strengths and weaknesses commonly refer to the examination of profiles across or within tests that have typically been used to determine SLD, such as standardized achievement tests and aptitude (IQ) tests. Sometimes referred to as intra-individual differences or variability, these patterns of strengths and weaknesses are particularly relevant to the identification of SLD. Recognition of a discrepancy between ability and achievement, previously required for SLD identification, could also be considered as part of this step.
Step 3: Determination of Appropriate Instruction

- Prior to a child's being suspected of having an SLD, the school or district must provide documentation that proves that the student has been provided appropriate instruction by qualified personnel. Students whose lack of achievement can be attributed to a lack of appropriate instruction in reading or math should not be determined to have an SLD. Such students should be provided with appropriate instruction in general education as well as scientific, research-based interventions. Appropriate instruction in reading must include the essential components of reading instruction* defined in the No Child Left Behind Act.
Step 3

Georgia provides data-based documentation of cognitive assessments of the student's progress to measure effectiveness of that instruction and is geared toward validating the characteristics of SLD. Guidance documents call for the use of multiple measures for a period of 12 weeks.

There is a requirement that test scores show “a primary deficit in basic psychological processes and secondary underachievement in one or more of the eight areas along with documentation of the lack of response to instructional intervention as supported by on-going progress monitoring.” Ga. Comp. R. & Regs. 160-4-7-.05-.22
Step 4: Determination of Influence of Other Factors

- Students whose lack of achievement (as determined in Step 1) can be attributed primarily to one of the following factors should not be determined to have an SLD.
  - visual, hearing, or motor disability
  - mental retardation
  - emotional disturbance
  - cultural factors
  - environmental or economic disadvantage
  - limited English proficiency
- Such students can be served in other disability categories of IDEA or through programs for at-risk or disadvantaged students, such as Title I of the No Child Left Behind Act.