Multi-Tiered System of Supports (MTSS): Considerations for Special Education

Tessie Rose Bailey, PhD, American Institutes for Research
At the end of the session, participants will be able to:

- Explain the role MTSS plays in special education.
- Describe data-based individualization and how it aligns to Georgia’s SST.
Today’s Agenda

• 1:00 – 2:15 MTSS and Special Education
  » Overview of key special education requirements
  » How MTSS supports LEAs in meeting those requirements
• 2:15 – 2:30 Break
• 2:30 – 3:30 Data Based Individualization and how it aligns to Georgia’s SST
• 3:30 – 4:00 Question and Answer Session
Quick Overview Special Education Requirements

<table>
<thead>
<tr>
<th>IDEA Requirement</th>
<th>How does or could our MTSS support this requirement?</th>
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<tbody>
<tr>
<td>Child Find</td>
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<tr>
<td>Eligibility Determination</td>
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<td>IEP Development</td>
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<td>Parent Participation</td>
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Education for All Handicapped Children Act (1975)

“In adopting this landmark civil rights measure, Congress opened public school doors for millions of children with disabilities and laid the foundation of the country’s commitment to ensuring that children with disabilities have opportunities to develop their talents, share their gifts, and contribute to their communities.”

The IDEA 35th Anniversary retrieved from: https://www2.ed.gov/about/offices/list/osers/idea35/index.html
IDEA (2004)  

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.”

Subchapter I (Part A) Section 1400 (c) (1)
Special Education


- “To meet its substantive obligation under the IDEA, a school must offer an IEP *reasonably calculated* to enable a child to *make progress* appropriate *in light of the child’s circumstances.*” (emphasis added)
Under IDEA, all eligible students have a right to...

FAPE  LRE  IEP

Special education services ensure a free appropriate public education (FAPE) in the least restrictive environment (LRE) outlined in an IEP.
How are students found eligible under IDEA?

**Child find Obligations:**
all school districts are required to identify, locate and evaluate all children with disabilities, regardless of whether or not the child is attending public school. 20 U.S.C. § 1412(a)(3)(A)

**Eligibility Determination:**
an eligible child with a disability is defined as a child 1) with an IDEA recognized disability and (2) “by reason thereof, “needs special education and related services.” 20 U.S.C. § 1401(3)(A)
Promoting Progress for Students With Disabilities

**Development** of high-quality educational programming for students with disabilities

**Implementation** of high-quality educational programming for students with disabilities

Ensure access to FAPE and improve outcomes for students with disabilities
What Does IDEA Say About the IEP?

IEP: A written statement for each child with a disability that is developed, reviewed, and revised in a meeting that must include the seven essential requirements listed in IDEA regulations.

IDEA, Sec. 300.320
Did You Know?

- Present Levels of Academic Achievement and Functional Performance
- Measurable Annual Goals
- Measuring Progress Toward Annual Goals
- Statement of Aids and Services
- Explanation of Education Setting
- Date, Frequency, Duration, and Location of Services
- Participation in Assessment

IDEA, Sec. 300.320

PROCRESS Center at the American Institutes for Research®
Present Levels of Academic Achievement and Functional Performance (PLAAFP)

Monitoring Plan

Measurable Goals

Specially Designed Instruction (SDI)
Program Development: Substantive

**PLAAFP:**
Provides an assessment and data-driven baseline

**SDI:**
Addresses unique needs and ensures access to and progress in the general curriculum

**Measurable Goals:**
Connects to our PLAAFP, SDI, and PROGRESS

**Monitoring Plan:**
Informs us if services are leading to progress or if changes are needed
Implementing High-Quality Educational Programming for SWDs
MTSS and Special Education: A perfect pair?
Does IDEA say anything about MTSS?

- 2004 amendments of the IDEA, which went into effect on July 1, 2005

- Provided that for SLD identification states may no longer require severe discrepancy and must permit school districts to use “a process that determines if the child responds to scientific, research-based intervention,” i.e., RTI/MTSS.

- Thus, states had a choice of permitting or prohibiting severe discrepancy and permitting or requiring RTI.

IDEA Legislation

(6) Specific learning disabilities.--

(A) In general.--Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

(B) Additional authority.--In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3).

**IDEA Regulations**

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math...must consider....

- Data that demonstrate that prior to, or as a part of, the referral process, the child 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 child’s parents.

34 C.F.R. § 300.309(a-b)
IDEA Regulations - Documentation

- If the child has participated in a process that assesses the child’s response to scientific, research-based intervention:
  - The instructional strategies used and the student-centered data collected; and
  - The documentation that the child’s parents were notified about:
    » (1) the State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
    » (2) strategies for increasing the child’s rate of learning; and
    » (3) the parents’ right to request an evaluation.

[34 CFR 300.311] [20 U.S.C. 1221e-3; 1401(30); 1414(b)(6)]
OSEP Memo: Do Not Delay

• Directed toward state special education directors.

• Resulted from parent complaints to the OSEP, US Department of Education

• Clarified the following:
  – RTI CANNOT be used to delay/deny evaluation for eligibility under IDEA
  – RTI is defined by the four essential components outlined by NCRTI (which is the definition used by GA DOE and MTSS Center at AIR) definition
  – Parents can request an evaluation at anytime

OSEP Memo: RTI process cannot be used to delay- delay an evaluation of eligibility under IDEA, 2011
Alignment of IDEA and ESSA: Multi-tier system of support in Every Student Succeeds Act (ESSA)

- MTSS in literacy in kindergarten through grade 12 is an allowable use of grant funds [Sec 2224(e)(4)].
- Identified as an approach for improving outcomes for students with disabilities and English language Learners [Sec 2103 (b)(3)(F)].
- ESSA requires use of evidence-based interventions.
How could MTSS support implementation of special education requirements for students not yet identified?

Child Find & Eligibility

- Assist in Child Find Obligations (i.e., identify, locate, and evaluate) through MTSS screening/risk verification process [20 U.S.C. § 1412(a)(3)(A)].
- Ensure provision of Tier 3 intensive interventions to rule out lack of instruction [34 C.F.R. § 300.309(a)].
- Provide data to demonstrate “need” for special education [20 U.S.C. § 1401(3)(A)].
- Provide formal progress monitoring data that can be provided to parents [34 C.F.R. § 300.309(b)].
- Compare student performance to peers and understand any unique circumstances.
How could MTSS support implementation of special education requirements for eligible students?

### IEP Development & Implementation

- **Development of the IEP** \([\text{Sec. 300.320}]\)
  - Provide objective, measurable data for how “the child’s disability affects the child’s involvement and progress in the general education curriculum” in the PLAAFP statement \([\text{Sec. 300.320(a)(1)(i)}]\).
  - Set realistic, ambitious IEP goals “to enable the child to be involved in and make progress in the general education curriculum” \([\text{Sec. 300.320(a)(2)(A)}]\).
  - Develop “statement of the special education and related services and supplementary aids and services” \([\text{Sec. 300.320(a)(4)}]\).
  - Provide more accurate estimates of level of service needed to promote progress towards goals \([\text{Sec. 300.320(a)(7)}]\).

- **Provide framework for efficient and effective implementation of IEP**
  - Support implementation of IEP goal monitoring plan \([\text{Sec. 300.320(a)(3)(i)}]\).
  - Support service delivery and access to core programming in general education.
Special Education Across the Tiers
Is special education considered Tier 3?

Special education is not a tier (or a place) and can be delivered in any setting, including extracurricular activities!

But I thought only Tier 3 provided individualized supports?

Tier 3 provides a process for individualizing instruction and supports and is associated with a level of intensity. Not all students with disabilities need that level of intensity.
MTSS provides a continuum of supports...even for students with disabilities.

**SWDs, GT, ELLs**
Receive services at all levels, depending on need

Tier 1: Universal Level of Prevention
- 80% of students

Tier 2: Targeted Level of Prevention
- 15% of students

Tier 3: Intensive Level of Prevention
- 3% to 5% of students
Special education can look like Tiers 2 or 3 levels of support, depending on students’ individual needs.

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Tier 2</th>
<th>Tier 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instruction/Intervention</td>
<td>Follow <strong>standardized evidence-based intervention programs</strong> as designed</td>
<td>Use <strong>standardized evidence-based program as a platform, but adapt instruction</strong> based on student data</td>
</tr>
<tr>
<td>Approach</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duration and timeframe</td>
<td>Use duration and timeframe defined by developer</td>
<td>Increase frequency and/or duration to meet student needs</td>
</tr>
<tr>
<td>Group size</td>
<td>3–7 students (as defined by developer)</td>
<td>Decreased group size to meet student needs (no more than 3)</td>
</tr>
<tr>
<td>Progress Monitoring</td>
<td>At least monthly</td>
<td>Weekly</td>
</tr>
<tr>
<td>Population served</td>
<td>At-risk (typically 15–20% of student population)</td>
<td>Significant and persistent learning and/or behavior needs (typically 3–5% of student population)</td>
</tr>
</tbody>
</table>
How can a child with a disability who is already receiving special education and related services also be eligible to receive services using MTSS/RTI strategies and supports?

- MTSS/RTI includes “tools that enable educators to target instructional interventions to children’s areas of specific need as soon as those needs become apparent. There is nothing in IDEA that prohibits children with disabilities who are receiving special education and related services under IDEA from receiving instruction using RTI strategies unless the use of such strategies is inconsistent with their individualized education programs (IEPs). Additionally, under IDEA, a public agency may use data gathered through RTI strategies in its evaluations and reevaluations of children with SLD. However, children with disabilities who are currently identified as needing special education and related services may not receive RTI services that are funded with IDEA funds used for EIS pursuant to 34 CFR §300.226.”

OSEP Questions and Answers on RTI and Early Intervening Services, 2007
How does special education align with Tier 1?

Special education services are designed to help the student...

(i) To advance appropriately toward attaining the annual goals;
(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities...

Sec. 300.320 (a)(4)

Tier 1 core programming ensures...

✓ Access to research-based core curriculum materials and practices
✓ Consistent use of differentiated instruction
✓ Access to instruction aligned with state standards and assessments
✓ Access to accommodations, modifications, and supplementary aids and services outlined in the IEP
✓ Participation in general education classroom assessments
✓ Access to peers with and without disabilities.
What is DBI and how does it align with Georgia’s SST?
What is data-based individualization (DBI)?

- Is a process for delivering intensive intervention
- Origins in experimental teaching
- Is not a one-time fix
- Integrates data-based decision making across academics and social behavior
The Five Steps in the DBI Process Help Educators Address Learning and/or Behavior Problems of Students

1. Validated Intervention Program
2. Progress Monitoring
3. Diagnostic Data
4. Adaptation to Validated Intervention
5. Continued Progress Monitoring
GA Student Support Team (SST) [160-4-2-.32]

- (1)(a) an interdisciplinary group that uses a systematic process to address learning and/or behavior problems of students, K-12, in a school.

- (2)(e) Each school shall include the following steps in the SST process:
  1. Identification of learning and/or behavior problems.
  2. Assessment, if necessary.
  3. Educational plan.
  4. Implementation.
  5. Follow-up and support.
  6. Continuous monitoring and evaluation.
Breakout: The Five Steps of the Data-Based Individualization (DBI) Process

Take 5 minutes to review the document.

• What steps are similar to your SST?
• Which step(s) are different?
**Step 1:** Develop and document the validated intervention program (Tier 2).

**Step 2:** Develop and implement progress monitoring plan.

Students at these steps were identified for Tier 2 supports though MTSS screening and risk verification processes. Most students will respond and not move to Step 3.
Individual teacher or teams of teachers assess student’s responsiveness.
Requires a goal based on valid strategies and valid approach to analyzing the data.
Responding to non-responders through the DBI

STEP 3: Use informal diagnostic data to develop a **hypothesis** about WHY the student is not responding.

**Alignment with GA SST?**
1. Identification of learning and/or behavior problems.
2. Assessment, if necessary.
3. Educational plan.
4. Implementation.
5. Follow-up and support.
6. Continuous monitoring and evaluation.
Tools to Facilitate Efficient and Timely Teaming Procedures

- Facilitator Guides
- Participant Guides
- Note-Taking Resources
Data Teaming Process – Validated Process for Efficient and Effective Meetings

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<table>
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Preparing for Teaming: Developing Systematic Processes

Success of teaming depends on knowledge of student based on accurate data.

Referring teacher **SUMMARIZES** data prior to meeting.

Referring teacher comes prepared to share **major concerns** and **hypothesis about why** the student is not responding.
Pre-meeting Background Form,
https://intensiveintervention.org/sites/default/files/Premeeting_Referral_Form_508.docx
Bailey, Tessie, 2/16/2021
## Data Teaming Process – Validated Process for Efficient and Effective Meetings

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity Description</th>
<th>Role</th>
<th>Time</th>
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<td>1</td>
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Systematic Processes for Identifying Learning and/or Problem Behavior

- Intervention Design (Strength/Evidence base)
- Intervention Delivery/Fidelity
- Learner Needs and Background

- Taxonomy of Intervention Intensity Dimensions—Refining the Hypothesis
Using Diagnostic Data to Develop Hypothesis to Intensify

- Teacher reviews classroom assessment data and conducts observations of her learning behavior. Behavior observations suggest that the student struggles to master skills as quickly as her same age peers and needs more practice than her peers.

- **Hypothesis: If** the student is provided additional opportunities of direct instruction, feedback, and practice on target skills, **then** he/she would move to mastery of these skills more quickly.
Responding to Non-responders

STEP 4: Intensify and individualize the intervention to address the hypothesis.

Alignment with GA SST?
1. Identification of learning and/or behavior problems.
2. Assessment, if necessary.
3. Educational plan.
4. Implementation.
5. Follow-up and support.
6. Continuous monitoring and evaluation.
Data Teaming Process – Validated Process for Efficient and Effective Meetings

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Adapting the Intervention

Tips for Successful Intensification!

- Select strategies that address the hypothesis.
- Select a few important adaptation strategies.

### Intervention Intensification Strategy Checklist

Use these tips, as well as your own, to intensify interventions. For more information about intensifying interventions, check out our website: [www.intensiveintervention.org](http://www.intensiveintervention.org). Before adopting or intensifying an intervention, always consider whether the current intervention program has been implemented with fidelity and for a sufficient amount of time.

**Intensification Strategies**

**Design**
- Increase opportunities for practice and corrective feedback.
  - Increase the length of intervention sessions.
  - Increase the number of intervention sessions per week.
  - Decrease the group size.
  - Increase the total number of sessions.
  - Decrease the heterogeneity of the groups (group students with similar performance levels).
  - Consider an intervention setting with fewer distractions.
  - Embed additional practice and feedback sessions throughout the day.

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<tbody>
<tr>
<td>Increase instruction time for the target skill</td>
<td>✔</td>
</tr>
<tr>
<td>Supplement intervention with National Center on Intensive Intervention materials (reading, math, behavior)</td>
<td>✔</td>
</tr>
<tr>
<td>Focus on discrete skill instruction within the target skill</td>
<td>✔</td>
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**Alignment**

- Align instructional routines and language with core instruction and the environment.
- Preteach content.
- Embed guided practice on target skills within core instruction and other environments.
- Embed explicit opportunities in other settings to maximize skills acquired in the intervention.
- Explicit task instructions.

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**Attention to Transfer**

- Use practice, simple language to teach key concepts or procedures.
- When introducing a concept, provide worked examples and show the steps in writing.
- Review a completed work example. Explain why a specific step is important and have the student complete that step and explain its significance.

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## Review Evidence-Based Strategies for Intensification

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Next Steps

• Ensure that a **date and time** are set for the follow-up meeting.
  – Generally, teams should plan to check in two (behavior) to six weeks (academic) after the initial meeting.

• Ensure that a plan is in place for how and where the student’s **plan will be documented and disseminated** to teachers and team members.

• Ensure that there is a plan in place to **communicate the changes** or new plan with the parent(s).

• Confirm that all team members are clear on their **next steps** for implementing the plan.
STEP 5: Monitor the student’s response to the adaptation (at least 6-8 data points)

Alignment with GA SST?
1. Identification of learning and/or behavior problems.
2. Assessment, if necessary.
3. Educational plan.
4. Implementation.
5. Follow-up and support.
6. Continuous monitoring and evaluation.
Documenting progress resulting from team’s adaptations
Continued monitoring of fidelity of implementation

<table>
<thead>
<tr>
<th>Day</th>
<th>Intervention Offered?</th>
<th>Student Present?</th>
<th>Intervention Duration or Frequency</th>
<th>Was the Student Engaged?</th>
<th>Was the Intervention Implemented as Planned?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Y  N</td>
<td>Y  N</td>
<td>18</td>
<td>1  2  3</td>
<td>1  2  3</td>
</tr>
<tr>
<td>Tuesday</td>
<td>Y  N</td>
<td>Y  N</td>
<td>23</td>
<td>1  2  3</td>
<td>1  2  3</td>
</tr>
<tr>
<td>Wednesday</td>
<td>Y  N</td>
<td>Y  N</td>
<td>21</td>
<td>1  2  3</td>
<td>1  2  3</td>
</tr>
<tr>
<td>Thursday</td>
<td>Y  N</td>
<td>Y  N</td>
<td>18</td>
<td>1  2  3</td>
<td>1  2  3</td>
</tr>
<tr>
<td>Friday</td>
<td>Y  N</td>
<td>Y  N</td>
<td>20</td>
<td>1  2  3</td>
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Center on Multi-Tiered System of Supports at the American Institutes for Research®
DBI is an ongoing process based on student responsiveness to the intervention.
When does a referral occur? Anytime the team suspects the student has a disability that requires special education and related services or a 504 plan.
Closing and Next Steps
Suggested Next Steps: Review Tools to Support Data Meetings

Clarifying Questions to Interventions

This resource includes questions that teams can ask to better address the intervention planning and selection of needs. Use the questions to support data collection and decision-making.

Intervention Design (Strengths/Weaknesses)

- Does evidence suggest the intervention is effective?
- For the identified skill deficit, is there evidence that supports the intervention?
- Is the intervention suitable for the student group?
- Does the intervention match the student's needs?
- Does the intervention include activities?
- Does the student have opportunities for intervention?
- Does the feedback include evidence?

Progress Monitoring Meeting—Facilitator’s Guide

Note: The following facilitator’s guide provides a potential structure and process that teams can use to analyze data and design intensive intervention plans for students. The content of the script and agenda items, as needed.

Before the meeting:
- Before holding a progress-monitoring meeting, the facilitator:
  - The teacher has compiled sufficient documentation of the following:
    - Evidence that the intensive intervention plan was delivered
    - Data for analysis and planning
  - Documentation has been shared with all team members and is available during the meeting.

National Center on INTENSIVE INTERVENTION at American Institutes for Research

Progress-Monitoring Meeting Agenda

Note: This is a sample protocol. Teams should modify the agenda as needed to fit their schedule, team, and school.

Step | Who | Time
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1. | Facilitator: Explain the purpose of the meeting and keep the team on track. | 1-2 min.
2. | Review progress-monitoring plan and data and changes in assessment strategies and instructional materials. | 1-2 min.
3. | Group questioning and hypothesis. | 1-2 min.
4. | Problem-solving, priorities, and plans. | 5-10 min.
5. | Wrap-up and next steps. | 2 min.
Suggested Next Steps: Review federal and state guidance regarding special education and MTSS/RTI.
Suggested Next Steps: With your team, self-evaluate the Critical Features of Tier 3
National Center on Intensive Intervention: Learn more about Tiers 2-3 and MTSS Assessment!

Visit [www.intensiveintervention.org](http://www.intensiveintervention.org)
Welcome to the MTSS Center

Since 2007 the MTSS Center has been a leader in supporting states, districts, and schools across the country in implementing an MTSS framework that integrates assessment and intervention within a multi-level prevention system to maximize student achievement and reduce behavior problems. To learn more about the essential components of MTSS click on the components of the graphic.

www.MTSS4success.org  @MTSSCenter
The PROGRESS Center provides information, resources, tools, and technical assistance services to support local educators in developing and implementing high-quality educational programs that enable children with disabilities to make progress and meet challenging goals, consistent with *Endrew F. v. Douglas County School District* (2017).

**How will we help improve outcomes for students with disabilities?**

- **Share current research, policies, guidance, success stories, and experiences from students, parents, educators, and other stakeholders.**
- **Partner with selected local educators to develop and implement high-quality educational programs.**
- **Provide tools, resources, and training materials for ALL educators, leaders, and families.**

Visit us at [www.promotingPROGRESS.org](http://www.promotingPROGRESS.org) to learn more!
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