



All Aboard:

Preventing Failure and
Increasing Outcomes for
All Students

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High Plains Regional Education Cooperative

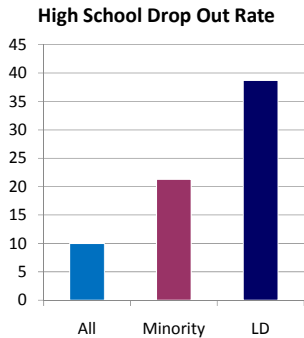
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The Brutal Facts



- Nearly **10%** of all students drop out of high school.
- **21.3%** of minority students drop out.
- **38.7%** of students with learning disabilities drop out.
- One high school student drops out every nine seconds.

National Dropout Prevention Center, 2005

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The Brutal Facts

- Seventy-five percent (75%) of America's state **prison inmates** are high school dropouts (Harlow, 2003).
- Fifty-nine (59%) of America's **federal prison inmates** did not complete high school (Harlow, 2003).
- The cost to taxpayers of adult illiteracy is \$224 billion per year (National Reading Panel, 1999).

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The Brutal Facts

- Male and female students with low academic achievement are **twice as likely to become parents** by their senior year of high school compared to students with high academic achievement (Alliance for Excellent Education, 2003).

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Effective Teachers Make a Difference!

- Students who had good teachers three years in a row showed a significant increase in their percentile rankings on state examinations – regardless of socioeconomic factors.
- On the other hand, students who began at exactly the same percentile and had ineffective teachers for three years in a row showed a significant decrease in rankings.

Protheroe, Lewis, and Paik, 2002

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Effective Teachers Make a Difference!

- A teacher's ability was the single most influential determinant, outside of home and family circumstances, of student success. (Ferguson, 1991).
- Quality teaching is the most critical means by which to improve student learning and to close achievement gaps.

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Before IDEA and NCLB



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IDEA 2004 ... The Changes: Determining Specific Learning Disabilities

- Ensure that underachievement of a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, ...
- Obtain data which 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

Source: IDEA (2006). Regulations from US Department of Education (300.309)

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IDEA 2004 ... The Changes: Determining Specific Learning Disabilities

- 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.

Source: IDEA (2006). Regulations from US Department of Education (300.309)

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Change is Inevitable

- Change the roles and responsibilities of the SAT process, in many districts.
- Challenge us to ensure that we are using scientifically-based research curricula and interventions.
- Challenge us to evaluate curriculum and intervention effectiveness in general education, as well as special education.
- Change the way that we make eligibility decisions for specific learning disabilities.
- Adopt a new model that *may require us to release long held beliefs and practices.*

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Response to Intervention: Time for Change

“Rtl is likely the single best opportunity we have had to improve education for all students with disabilities – and students without them – that has occurred since the passage of the Education of Handicapped Act in 1975.”

~ W. David Tilly

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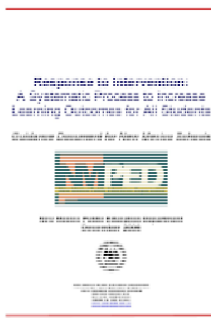
What is RTI?

- Response to Intervention or **Response to Instruction?**
- RTI is a process of determining appropriate support and interventions to supplement the core curriculum to meet the needs of all learners:
 - Problem-Solving Philosophy
 - A Shared Responsibility – “Create a Circle of Support”
 - Three-Tiered Intervention System
 - Progress Monitoring

Source: RTI: Rhode Island Technical Assistance Manual

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Response to Intervention Manual



- The Rtl Manual provides guidance and tools for school districts and charter schools to use in order to build technically sound systems to effectively implement Rtl.

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New Mexico Response to Intervention Model: Workgroup

- Dan Farley, Assessment & Evaluation Consultant, NMPED
- Deborah Autry, Parent, Texico Municipal Schools
- Dorothy Baker, SPED Director, Moriarty Public Schools
- Lisa Chacon-Kedge, Coordinator, Espanola Public Schools
- Connie Copeland, Program Specialist, REC #10
- Sam Gallegos, Bilingual Diagnostician, Gadsden Independent Schools
- Ginger Gendron, Diagnostician, APS/Jemez Valley Schools
- Bernadette Gonzales, Educational Diagnostician, Las Cruces Public Schools
- Dana Stoltz Gray, Director of Programs, High Plains REC #3
- Dan Greathouse, Diagnostician, Portales Municipal Schools
- Jann Hunter, Dir. of Curriculum & Instruction, Alamogordo Public Schools
- Deborah Husson, Lead Educ. Diagnostician, Las Cruces Public Schools
- Carolyn Lindau, Compliance Officer, Gadsden Independent Schools
- Claudia Montoya, Principal, Clayton Municipal Schools
- Liza Rael, Reading First Consultant, NMPED
- Mary Schutz, Director, REC #4
- Daisy Thompson, Program Manger, UNM/CDD
- Bob Walsh, Independent Diagnostician

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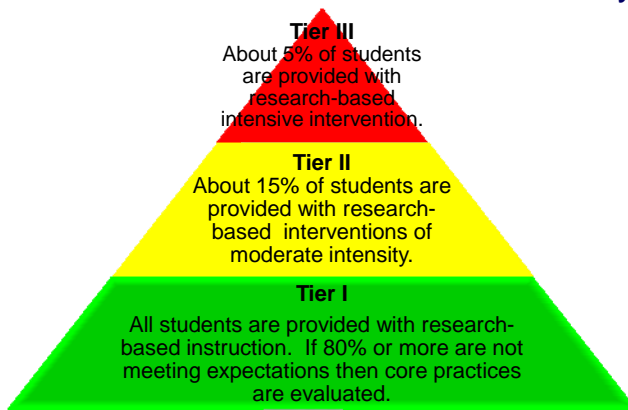
Key Components of New Mexico's RtI Model

- A solid three-tier model for all content areas, including universal screening,
- Evidenced-based curricula and methodologies are used in general education, special education, and supplemental progress,
- Ongoing assessment and progress monitoring of student's skills and progress,
- Systematic decisions rules to move from Tier I to Tier II and Tier II to Tier III, or reverse course.

Response to Intervention: Guidance Document for NM Schools, 2006

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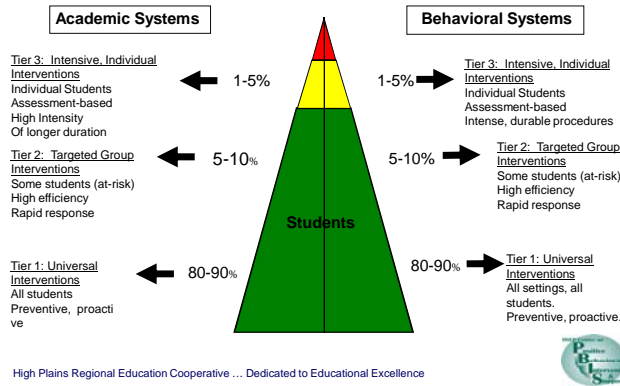
Multi-Tier Model of Service Delivery



Source: Tualatin/Tiger School District, Oregon

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Tiered Model of School Supports



What is Response to Intervention (RtI)?

In the RtI Model:

- A student with academic delays is given one or more research-validated interventions.
- The student's academic progress is monitored frequently to see if those interventions are sufficient to help the student catch up with his/her peers.

Source: Wright, J. (2006). Getting started with "Response to Intervention: A Guide for Schools". www.interventioncentral.org.

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What is Response to Intervention (RtI)?

In the RtI Model:

- If the student fails to show significantly improved skills despite several well-designed and implemented interventions, this failure to "respond to intervention" can be viewed as evidence of an underlying Learning Disability.

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Advantages of RtI

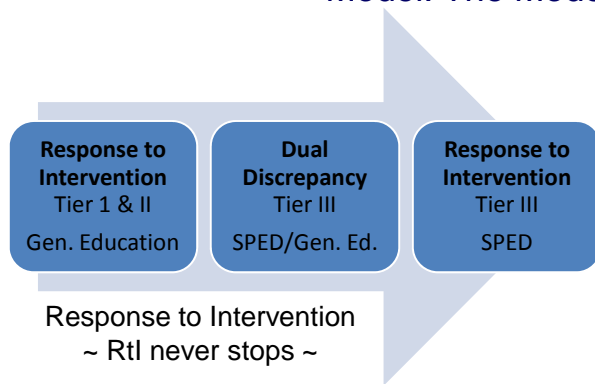
In the RtI Model:

- Schools are allowed to intervene early to meet the needs of struggling learners.
- RtI maps those specific interventions and instructional strategies found to be effective for a particular student.

Source: Wright, J. (2006). Getting started with "Response to Intervention: A Guide for Schools". www.interventioncentral.org.

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New Mexico Response to Intervention Model: The Model



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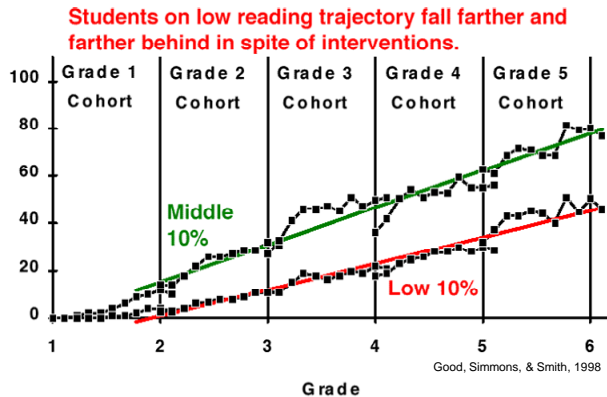
Core RtI Principles

- We can effectively teach all children.
 - It is our responsibility to identify the curricular, instructional, and environmental conditions to enable learning for all students.
- Intervene early.
 - Solving small problems (academic and behavioral) is more efficient and successful than working with more intense and severe problems.

Source: National Association of State Directors of Special Education (2006)

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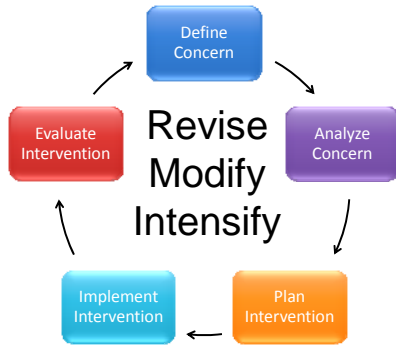
Falling Further & Further Behind



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Core RtI Principles

- Use a problem-solving method to make decisions within a multi-tier model.



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Core RtI Principles

- Use research-based, scientifically validated interventions/instruction to the extent available.
 - NCLB and the IDEA 2004 both require using scientifically-based curricula and interventions.

See Appendix D in New Mexico Guidance Manual:
Scientifically-Based Instruction and Intervention Checklist
Steps to Conducting Scientifically-Based Research

Source: National Association of State Directors of Special Education, 2006

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Core RtI Principles

- Monitor student’s progress to inform instruction.
 - The use of assessments that can be collected frequently and that are sensitive to small changes in student behavior is recommended.
- Use data to make decisions.
 - A data-based decision regarding student response to intervention is central to RtI.
 - Need to collect ongoing data and use data to make informed instructional decisions.

Source: National Association of State Directors of Special Education, 2006
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“The most powerful way to improve education is to collect the right data and to keep it in front of the right people.”

Kennewick School District’s presentation to the House Appropriations Committee, 2003

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Curriculum and Instruction Essentials

Curricula and instruction guidelines:

- The curriculum and instructional strategies that are being used have been analyzed with the *Scientific, Research-based Instruction and Intervention Checklist* and are aligned with New Mexico Content Standards and Benchmarks.
- Instruction is intense, regular, and differentiated to meet the skill needs of individual students.

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Curriculum and Instruction Essentials

- At least 80% of students should meet expectations, such as grade level benchmarks, before referral to any other program can be justified.
 - While the criteria may be adjusted upward, it should not be adjusted downward.
 - It should be assumed that, if 80% of students in a district, school, or classroom are not meeting expected benchmarks, the problem is with either the content of the core curriculum or the intensity and frequency of instruction.

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Rtl: Standardized Protocol

- The symmetric implementation of Rtl requires a standardized protocol. The steps in this protocol should be an integral system within a school.

Step 1: Systems and Methodologies

Step 2: Screening

Step 3: Instruction and Intervention

Step 4: Progress Monitoring

Step 5: Decision Rules

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Step 1: Systems and Methodologies

- To make sure that all students are making adequate progress, systems and methodologies must be in place at each tier.
- School-based teams must answer these critical questions:
 1. **Data-based Goals:** Using New Mexico Content Standards and Benchmarks, what specific goals do we have for our students in each content or targeted area? What are their personal goals?

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Step 1: Systems and Methodologies

2. Instruction: Are we implementing instruction, curricula, and methodologies based on scientifically-based research?
3. Core Instruction: What are the critical instructional components that need to be in place to reach our goals?

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Step 1: Systems and Methodologies

4. Differentiated Instruction and Targeted Interventions: What do we have in place at Tier I, II, and III to meet each student's needs?
5. Assessment: Based on New Mexico Standards-Based Assessments, short cycle assessments, and progress monitoring data, how are we doing? What is our current level of performance as a school? As a grade? As a class? As an individual student?

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Instructional Map

- The Instructional Map is a tool to be used by school-based teams to document specific aspects in their instructional programs to ensure systems are in place at each tier, as well as align programs across grade levels.

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Instructional Map

- School-based teams discuss and document program aspects such as: specific skills to be taught, curriculum to be used, number of instructional minutes per day, grouping size, and assessment/progress monitoring for each content area, as well as behavioral systems.
- To the greatest extent possible, each of these areas should be research-based and implemented with fidelity.

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Instructional Map

Tier	Specific Skills	Curriculum/Program	Method	Materials	Instructional Strategies	Assessment Methods
Tier 1: Core District/Statewide Curriculum						
Tier 2: District/Statewide Curriculum						
Tier 3: District/Statewide Curriculum						

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Instructional Map Activity

- By yourself or with your partner, take 10 minutes and:
 - Select a content area such as math, reading, etc.
 - Detail what your school has solidly in place at each tier. What is firmly established and implemented with fidelity across teachers?

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TIER 1, 2, and 3 Instructional Map

District: _____ **School:** _____

Grade: _____ **Date of Completion:** _____

Area: Reading Math Written Lang. Oral Exp. Listen. Comp. Behav.
 Other: _____

Tier	Specific Skills	Curriculum/ Program	Minutes/ Day	Instructor	Grouping	Assessment (Include frequency)
Tier I: Core Meeting Grade-level Expectations						
Tier II: Strategic Some Risk						
Tier III: Intensive Most At-risk						

Adapted with permission: Simmons, D., Harn, B., & Paine, P. (2003)

What is Fidelity?

- Fidelity refers to the intensity and accuracy with which instruction and intervention are implemented.
- Implementing instruction with high fidelity means that the teacher is following the implementation protocol established by the relevant research design.
- It is then the *responsibility of the teacher and administrator to ensure that the curriculum is implemented with a high degree of fidelity* in the classroom in a *sustained manner*. Otherwise, the program may not have the desired effect or may have an effect that is less than optimal.

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Self-Assessment

- The NMPED has developed self-assessment tools for **district**, **school**, and **teacher** use to address the issue of documenting the fidelity of the use of research-based materials, as well as the use of scientific research-based practices and progress monitoring.
- District- and school-based teams, as well as individual teachers should complete the self assessments quarterly.

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School Fidelity Checklist

September, 2006

School Fidelity Self-Assessment
(Prepared to demonstrate compliance in Items #12.2.1-10)

As a school-level team, complete this self-assessment quarterly to assess and document what essential components are "not yet implemented", those "in progress", and those components that are "fully established and embedded". These components are critical for effectively implementing school reform, RtI, and ensure academic success for all students.

School _____ Date _____ Quarter: 1 2 3 4

A. Scientific Research-based Intervention and Intervention	Rating & Comments		
	Not Yet 0	In Progress 1	Embedded 2
Administrator has ensured that evidence-based core curriculum in content areas is provided.			
Administrator has provided resources and professional development necessary for teachers to implement evidence-based instructional strategies.			
Administrator has ensured that implementation efforts is distributed.			
Administrator has provided teachers with resources and professional development to ensure that all students are included at their respective levels.			

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School Fidelity Self-Assessment

(Pursuant to administrative competencies in NMAC 6.62.2.10)

As a school-level team, complete this self-assessment quarterly to assess and document what essential components are “not yet implemented”, those “in progress”, and those components that are “firmly established and embedded”. These components are critical for effectively implementing school reform, Rtl, and ensure academic success for all students.

School: _____

Date: _____

Quarter: 1 2 3 4

A. Scientific, Research-based Instruction and Intervention	Rating & Comments		
	Not Yet 0	In Progress 1	Embedded 2
Administrator has ensured that evidence-based core curriculum in content areas is provided			
Administrator has provided resources and professional development necessary for teachers to implement evidence based instructional strategies			
Administrator has ensured that implementation fidelity is addressed			
Administrator has provided teachers with resources and professional development to ensure that all students are instructed at their respective levels			

B. Fidelity	Rating & Comments		
	Not Yet 0	In Progress 1	Embedded 2
Administrator has attended professional development trainings regarding the appropriate implementation of the core curriculum/ curricula			
Administrator ensures that critical components of core curriculum are implemented, as defined by the publisher's implementation design			
Administrator ensures that evidence-based instruction and interventions are implemented in Tier 1 and Tier 2			
Administrator has attended professional development trainings regarding evidence based interventions			
Administrator ensures that a functional SAT process is in place.			
Administrator uses a variety of classroom observation methods and tools on a frequent basis (e.g., 5 Minute Walk-Through)			

C. Progress Monitoring	Rating & Comments		
	Not Yet 0	In Progress 1	Embedded 2
School participates in district-wide short cycle assessment program at least three times per year in Tier 1			
Administrator has provided training for staff related to the use of Curriculum Based			

Measures (CBM) as classroom progress monitoring procedures at Tier 2 to determine efficacy of student intervention			
Administrator uses school-wide progress monitoring information gathered from short cycle and CBM assessments to make appropriate resource allocation decisions			
Administrator continuously monitors and analyzes school-wide student achievement and behavior data			
Administrator uses the SAT as a vehicle to provide support for teachers and students at Tier 2.			
Administrator ensures that parents are informed, in an understandable manner, regarding their child's performance on measures of academic achievement and behavior.			
Administrator disseminates school-wide progress monitoring data and charts/graphs to all stakeholders			
Administrator participates in professional development opportunities and collaborates with staff regarding school improvement.			

RtI: Standardized Protocol

- The symmetric implementation of RtI requires a standardized protocol. The steps in this protocol should be an integral system within a school.

Step 1: Systems and Methodologies

Step 2: Screening

Step 3: Instruction and Intervention

Step 4: Progress Monitoring

Step 5: Decision Rules

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Step 3: Instruction & Intervention

- Students who are identified as needing strategic or intensive interventions need to receive systematic intervention and frequent progress monitoring.
- Interventions become increasingly intense as students fail to respond adequately and move from tier to tier, if needed, to make appropriate gains.

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Step 3: Instruction & Intervention

- Intensity is achieved by altering critical components such as changing group size, duration of lesson, and increasing attendance (see [Table 2: Alterable Components](#)), and/or
- Changing the intensity of the intervention (see [Table 3: Level of Intensity Matrix](#)).

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Framework of Alterable Components

The Framework of Alterable Variables is composed of five categories associated with student achievement. This framework provides a structure for understanding the multiple factors affecting student achievement, but limits the focus to those areas where changes can most readily be realized. Each component is composed of interrelated subvariables.

Opportunities to Learn

- Increase attendance
- Provide instruction daily
- Increase opportunities to respond
- Vary schedule of easy/hard tasks/skills
- Add another instructional period

Grouping for Instruction

- Check group placement
- Reduce group size
- Increase teacher-led instruction
- Provide individual instruction
- Change instructor

Program Efficacy

- Pre-teach components of core program
- Use extensions of the core program
- Supplement core with appropriate materials
- Replace current core program
- Implement specially designed program

Coordination of Instruction

- Clarify instructional priorities
- Establish concurrent reading periods
- Provide complementary reading instruction across periods
- Establish communication across instructors
- Meet frequently to examine progress

Program Implementation

- Model lesson delivery
 - Monitor implementation frequently
 - Provide coaching and ongoing support
 - Provide additional staff development
 - Vary Program/lesson schedule
-

Levels of Intervention Intensity Matrix

The Levels of Intensity Matrix (Table 3) can be used to describe the level of intensity of instruction, as well as guide discussions regarding how to address the intensity of instruction and intervention in the classroom. The NMPED has defined the term *intervention* as an increase in the intensity of instruction, as defined by this matrix. It is clear from this analysis that instructional changes, such as preferential seating, do not increase the intensity of instruction and therefore are not considered interventions.

Low Intensity → High Intensity

Tier I: Regular Education **Tier II: Regular Education with Supplemental Services, if appropriate** **Tier III: Special Education**
 1 2 3 4 5

Program Emphasis	Use core program and explicitly teach priority skills	Use extensions of the core program	Supplement core with re-teaching or intervention components of core	Replace current core program with intervention program	Implement specially designed program (IEP)
Time (Opportunity to Learn)	Schedule and deliver 60-90 minutes of daily instruction (minimum of 30 minutes in small group)	Increase opportunities to respond during core instruction	Schedule core + supplemental period (90+30 or 60+30)	Schedule two intervention sessions daily (no less than 90 minutes total)	Implement specially designed program (IEP)
Grouping for Instruction	Check group placement and provide combination of whole and small-group instruction	Schedule small-group opportunity for specific practice	Reduce group size down to three students or less	Provide individualized instruction	Implement specially designed program (IEP)
Assessment	NM Standards-Based Assessment Short-Cycle Assessments		NM Standards-Bases Assessment Short-Cycle Assessments Curriculum-Based Measurement		Short-Cycle Assessments Curriculum-Based Measurement Diagnostic Tests

Rtl: Standardized Protocol

- The symmetric implementation of Rtl requires a standardized protocol. The steps in this protocol should be an integral system within a school.

Step 1: Systems and Methodologies

Step 2: Screening

Step 3: Instruction and Intervention

Step 4: Progress Monitoring

Step 5: Decision Rules

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Step 4: Progress Monitoring

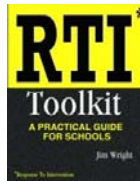
- Implementing systematic progress monitoring prevents inconsistencies in decision-making.
- Progress monitoring must include:
 - Clear benchmarks for performance,
 - Be easy to administer, and
 - Be sensitive to small amounts of academic growth.
- Data that may be used to inform these decisions include short-cycle assessments and Curriculum Based Measures.

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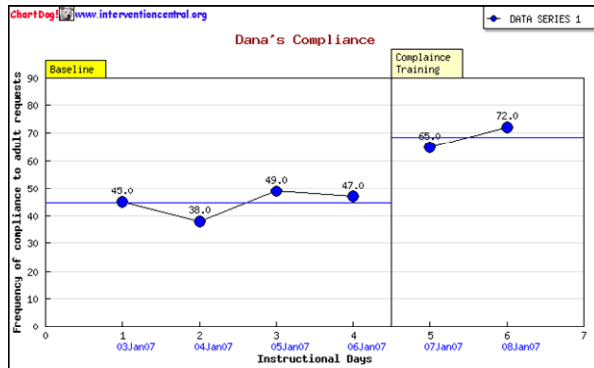
Step 4: Progress Monitoring

- DIBELS
- AIMSweb
- <http://www.interventioncentral.org/>
 - **On-Line Tools**
 - *Behavior Reporter: Behavior Report Card Generator
 - *Curriculum-Based Measurement List Builder
 - *Jackpot!: On-line Reinforcer Survey Generator
 - *Math Worksheet Generator
 - *OKAPI! Reading Probe Generator
 - *ChartDog: Create CBM Charts
 - *Test Score Analyzer 2.0

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ChartDog!



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Think-Pair-Share

- At your table discuss:
 - What data are you collecting and using to monitor student progress?
 - How often data are collected and analyzed to determine student's responsiveness to instruction/intervention?

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Rtl: Standardized Protocol

- The symmetric implementation of Rtl requires a standardized protocol. The steps in this protocol should be an integral system within a school.
 - Step 1:** Systems and Methodologies
 - Step 2:** Screening
 - Step 3:** Instruction and Intervention
 - Step 4:** Progress Monitoring
 - Step 5:** Decision Rules

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TIER I, II, and III Components

- We must use clearly defined **components** and **decision rules** in order to standardize the process that Student Assistance Teams must follow to ensure that unnecessary referrals for special education evaluation are avoided.
- As a school, educators must ensure that all components are firmly established.
- Then, school-based teams use the specified decision rules to make data-based decisions and move students from tier to tier.

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Essential Components of Tier 1

- Implement scientific, research-based general education instructional materials according to the publisher's teacher guide.
- Building administrator verifies that curricula and methodologies being used in the classroom are evidence based.
- Building administrator verifies that instruction is delivered with fidelity (see page [Rtl Fidelity Checklist](#)).

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Essential Components of Tier 1

- Building administrator verifies that specific instructional adjustments have been consistently implemented to meet student needs.
- Short-cycle assessment data for all students' performance in academic content areas are being collected at least three times during the school year. Data regarding behavior may also be systematically collected and analyzed.

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Essential Components of Tier 1

- Established Student Assistance Teams (SAT) provide the structure to document student-specific information. All schools must have an effective SAT process as part of Tier I and Tier II.

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New Mexico Regulations: Tier I

- 6.31.2.10 B (1) "In tier I, the public agency must ensure that adequate universal screening in the areas of general health and well-being, language proficiency status, and academic levels of proficiency has been completed for each student enrolled.
- If universal screening, a referral from a parent, a school staff member, or other information available to a public agency suggests that a particular student needs educational support for learning, then the student shall be referred to the Student Assistance Team (SAT) for consideration of interventions at the tier II level."

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Decision Rule: Tier I to Tier II

- Data are systematically analyzed to identify those students who score in the lowest 25 percent of their grade-level, peer group based on district short-cycle assessments. School leadership should consider referring these students to Tier II for additional support. Students may also be referred to Tier II by parent and/or teacher concern, particularly if the area of concern is behavior.

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Essential Components of Tier II

- Repeat Tier II steps 1-5, with varied small-group interventions, as needed, based on student progress monitoring.
- Complete SAT documentation process.

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New Mexico Regulations: Tier II

- 6.31.2.10 B (2) "In tier II, a properly constituted SAT at each school, which includes the student's parents and student, as appropriate, must conduct the child study process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. In addition, the SAT must address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles in order to rule out other possible causes of the student's educational difficulties ... "

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New Mexico Regulations: Tier II

- 6.31.2.10 B (2) "... When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis which may include a referral for a multidisciplinary evaluation to determine possible eligibility for special education and related services consistent with the requirements of 34 CFR Sec. 300.300."

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Decision Rule: Tier II to Tier III

- Based upon a systematic assessment of student, classroom, and district-wide progress monitoring data, SATs determine which students are not yet demonstrating evidence of meeting goals.
- SATs may consider initiating a comprehensive diagnostic evaluation to determine whether a student may have a disability and whether they are eligible for special education services.

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Essential Components of Tier III

- Gather documentation to compose a complete SAT file. A specific referral concern should be submitted to the district evaluation team.
- Complete a comprehensive diagnostic evaluation. Complete assessments in all areas of suspected disability/exceptionality.

Response to Intervention: Guidance Document for NM Schools, 2006

High Plains Regional Education Cooperative ... Dedicated to Educational Excellence

Essential Components of Tier III

- The MDT determines whether a student has a disability and meets the criteria for special education services.
- If the student is eligible for special education, an IEP is developed and becomes the student's new instructional program.
- If a student is not found to have a disability, a referral back to SAT should be initiated to determine further intervention planning.

Response to Intervention: Guidance Document for NM Schools, 2006

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New Mexico Regulations: Tier III

- 6.31.2.10 B (3) “In tier III, a student has been identified as a student with a disability and deemed eligible for special education and related services, and an IEP is developed by a properly constituted IEP team pursuant to 34 CFR Sec. 300.321.”

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Criteria for Identifying Children with Perceived Specific Learning Disabilities

- 6.31.2.10.C
 - (1) In identifying children with specific learning disabilities, the public agency may use the dual discrepancy model as defined and described in the New Mexico Technical Evaluation and Assessment Manual (New Mexico T.E.A.M.) or the severe discrepancy model as defined and described in New Mexico T.E.A.M.
 - (2) Effective July 1, 2009, public agencies must implement the dual discrepancy model in kindergarten through third grade.

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Criteria for Identifying Children with Perceived Specific Learning Disabilities

- 6.31.2.10.D.1 Initial Evaluations
 - (g) Each public agency must use the three tiered model for students suspected of having a specific learning disability, consistent with the department rules, policies and standards to ensure that lack of instruction in reading or math, is not the primary cause of learning difficulties for children who are being referred for evaluation due to a suspected disability under the specific learning disability category in compliance with 34 CFR Sec. 300.307.

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LD SPED Eligibility Using Rtl

Eligibility determination can be made using the convergence of multiple sources to document each of the following four eligibility criteria:

- Level difference
- Rate of learning difference
- Documented adverse impact
- Exclusion factors

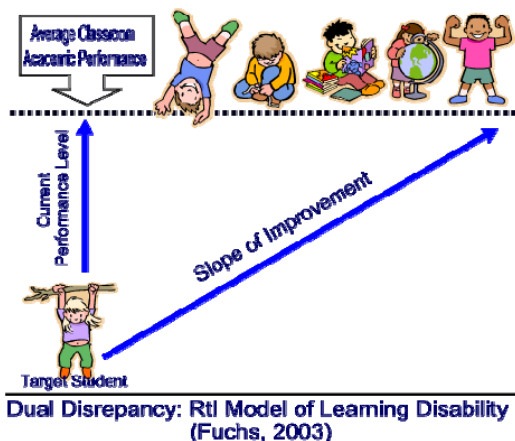
The essential premise is that LD is the least likely explanation for the student's learning difficulties.

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SPED Eligibility Using Rtl

- In Rtl, eligibility determination for SPED services occurs when a student's response to both core instructional and supplemental intervention *does not result in movement toward achieving benchmarks and peer performance levels.*
- In addition, a student may be considered for special education if his/her response to intensive intervention produces meaningful growth rate, *but the growth rate requires significant and ongoing resources* beyond general education to maintain.

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Adapted from: Wright, J. 2006

New Mexico Response to Intervention Model: Dual Discrepancy for LD

A dual discrepancy is when the student performs both:

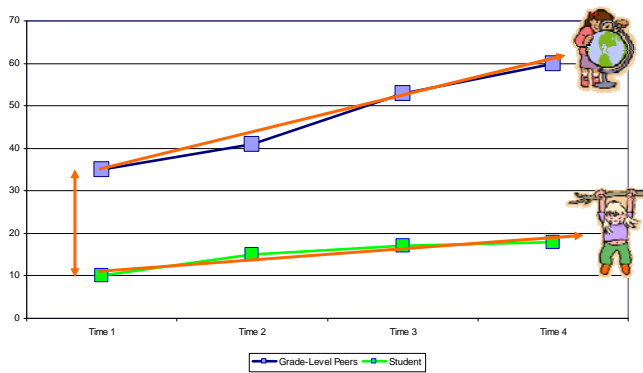
- Below the level of evidence by grade-level peers (low achievement)
 - *1.5 SD between the student's mean standards-based assessment scores and that of all grade-level peers in the district.*

- Demonstrates a learning rate substantially below that of grade-level peers (low progress)
 - *1.5 SD between the student's mean standards-based assessment slope of improvement and that of grade-level peers in the district.*

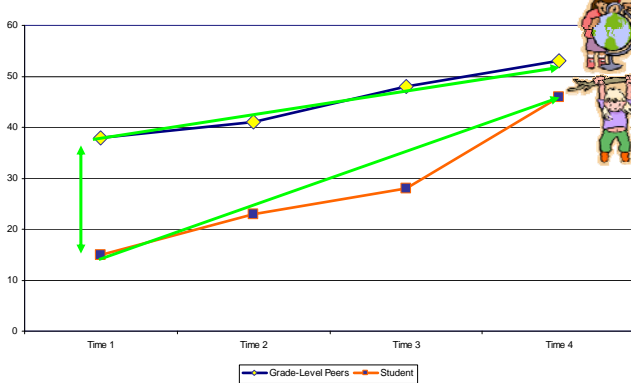
Source: Gresham, 2002

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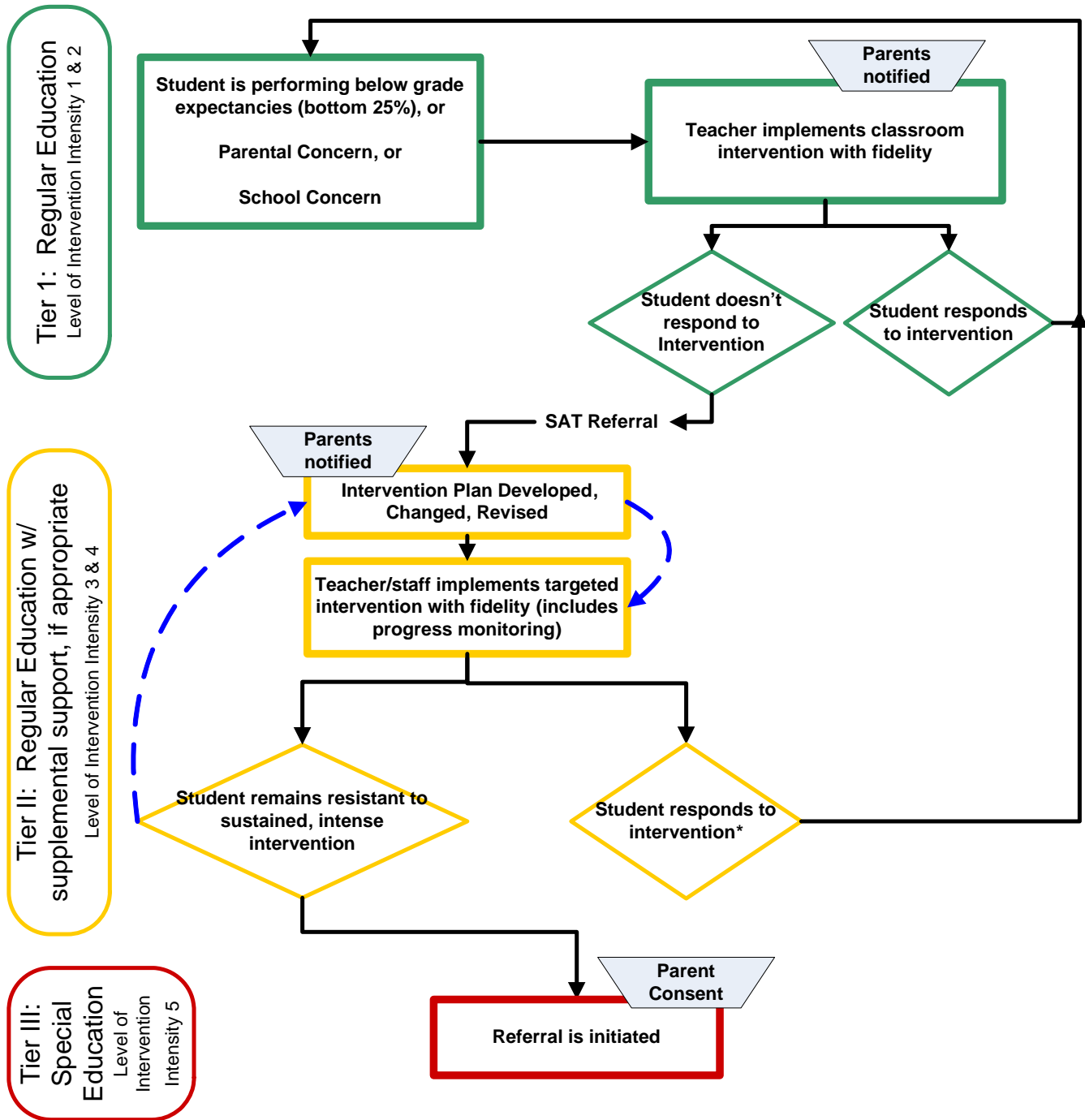
Rtl: Example I



Rtl: Example II



New Mexico PED Example of RtI Process



*If student is responding to interventions, however, the targeted intervention is of such intensity that it cannot be maintained without intensive, individualized supplemental support, the student may be referred for an evaluation.

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6.31.2.10 IDENTIFICATION, EVALUATIONS AND ELIGIBILITY DETERMINATIONS:

A. Child find. Each public agency shall adopt and implement policies and procedures to ensure that all children with disabilities who reside within the agency's educational jurisdiction, including children with disabilities attending private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, detention and correctional facilities, children who are schooled at home, highly mobile children and children who are advancing from grade to grade, regardless of the severity of their disability, and who are in need of special education and related services, are located, evaluated and identified in compliance with all applicable requirements of 34 CFR Secs. 300.111, 300.131, 300.301-306 and these or other department rules and standards. For preschool children, child find screenings shall serve as interventions under Subsection B of 6.31.2.10 NMAC.

B. The public agency shall follow a three tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning.

(1) In tier I, the public agency must ensure that adequate universal screening in the areas of general health and well-being, language proficiency status, and academic levels of proficiency has been completed for each student enrolled. If universal screening a referral from a parent, a school staff member, or other information available to a public agency suggests that a particular student needs educational support for learning, then the student shall be referred to the Student Assistance Team (SAT) for consideration of interventions at the tier II level.

(2) In tier II, a properly constituted SAT at each school, which includes the student's parents and student, as appropriate, must conduct the child study process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. In addition, the SAT must address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles in order to rule out other possible causes of the student's educational difficulties. When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis which may include a referral for a multidisciplinary evaluation to determine possible eligibility for special education and related services consistent with the requirements of 34 CFR Sec. 300.300.

(3) In tier III, a student has been identified as a student with a disability and deemed eligible for special education and related services, and an IEP is developed by a properly constituted IEP team pursuant to 34 CFR Sec. 300.321.

C. Criteria for identifying children with perceived specific learning disabilities.

(1) In identifying children with specific learning disabilities, the public agency may use the dual discrepancy model as defined and described in the New Mexico Technical Evaluation and Assessment Manual (New Mexico T.E.A.M.) or the severe discrepancy model as defined and described in New Mexico T.E.A.M.

(2) Effective July 1, 2009, public agencies must implement the dual discrepancy model in kindergarten through third grade.

D. Evaluations and reevaluations.

(1) Initial evaluations.

(a) Each public agency must conduct a full and individual initial evaluation, at no cost to the parent, and in compliance with requirements of 34 CFR Secs. 300.305 and 300.306 and other department rules and standards before the initial provision of special education and related services to a child with a disability.

(b) Request for initial evaluation. Consistent with the consent requirement in Sec. 34 CFR Sec. 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

(c) Procedures for initial evaluation.

(i) The initial evaluation must be conducted within 60 calendar days of receiving parental consent for evaluation.

(ii) Each public agency must follow evaluation procedures in compliance with applicable requirements of 34 CFR Sec. 300.304 and other department rules and standards to determine: (1) if the child is a child with a disability under 34 CFR Sec. 300.8; and (2) if the child requires special education and related services to benefit from their education program.

(iii) Each public agency shall maintain a record of the receipt, processing and disposition of any referral for an individualized evaluation. All appropriate evaluation data, including complete SAT file documentation and summary reports from all individuals evaluating the child shall be reported in writing for presentation to the multi-disciplinary team or IEP team.

(d) Exception to the 60 day time frame. The requirements of this subsection do not apply:

(i) if the parent of a child repeatedly fails or refuses to produce the child for the evaluation;

or

(ii) if the child enrolls in a school of another LEA after the 60 day time frame in this subsection has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under 34 CFR Sec. 300.8.

(e) The exception to the 60 day time frame in Item (ii) of Subparagraph (d) of Paragraph (1) of Subsection D of 6.31.2.10 NMAC applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

(f) The multi-disciplinary team including the parent and child, if appropriate, must meet to determine if the child is a child with a disability and requires an IEP upon completion of the initial evaluation.

(g) Each public agency must use the three tiered model for students suspected of having a specific learning disability, consistent with the department rules, policies and standards to ensure that lack of instruction in reading or math, is not the primary cause of learning difficulties for children who are being referred for evaluation due to a suspected disability under the specific learning disability category in compliance with 34 CFR Sec. 300.307.

(2) **Reevaluations.**

(a) Each LEA must ensure that a reevaluation of each child is conducted at least once every three years, unless the parent and the public agency agree that a reevaluation is unnecessary, and is in compliance with the requirements of 34 CFR Secs. 300.303-300.311, and any other applicable department rules and standards.

(b) Reevaluations may be conducted more often if:

(i) the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

(ii) the child's parent or teacher requests a reevaluation.

(c) Reevaluations may not occur more than once a year, unless the parent and public agency agree otherwise.

(d) **Procedures for conducting evaluations and reevaluations.**

(i) The public agency must provide notice to the parents of a child with a disability that describes any evaluation procedures the agency proposes to conduct in compliance with 34 CFR Sec. 300.503;

(ii) The initial evaluation (if appropriate) and any reevaluations must begin with a review of existing information by a group that includes the parents, the other members of a child's IEP team and other qualified professionals, as appropriate, to determine what further evaluations and information are needed to address the question in 34 CFR Sec. 300.305(a)(2). Pursuant to 34 CFR Sec. 300.305(b), the group may conduct its review without a meeting.

(iii) If it is determined that a child requires an individualized evaluation or reevaluation the public agency is required to follow the procedures established by the department.

(iv) Each public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the child's family that may assist in determining if the child is a child with a disability, the content of the child's IEP including information related to assisting the child to be involved and progress in the general education curriculum or for a preschool child to participate in appropriate activities.

(e) Each public agency shall maintain a record of the receipt, processing, and disposition of any referral for an individualized reevaluation. Reevaluation shall be completed on or before the three year anniversary date. All appropriate reevaluation data and summary reports from all individuals evaluating the child shall be reported in writing for presentation to the multi-disciplinary team or IEP team.

(f) The parents of a child with a disability who disagree with an evaluation obtained by the public agency have the right to obtain an independent educational evaluation of the child at public expense pursuant to 34 CFR Sec. 300.502.

E. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.

(1) Each public agency must ensure that tests and other evaluation materials used to assess children are selected, provided and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, such as American sign language, and in the form most likely to yield accurate information, on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to select, provide or administer pursuant to 34 CFR Sec. 300.304(c)(1).

(2) Each public agency must ensure that selected assessments and measures are valid and reliable and are administered in accordance with instructions provided by the assessment producer and are administered by trained and knowledgeable personnel.

(3) Each public agency must consider information about a child's language proficiency in determining how to conduct the evaluation of the child to prevent misidentification. A child may not be determined to be a child with a disability if the determinant factor for that eligibility determination is limited English proficiency. Comparing academic achievement results with grade level peers in the public agency with similar cultural and linguistic backgrounds should guide this determination process and ensure that the child is exhibiting the characteristics of a disability and not merely language difference in accordance with 34 CFR Sec. 300.306(b)(1).

(4) Each public agency must ensure that the child is assessed in all areas related to the suspected disability.

(5) Policies for public agency selection of assessment instruments include:

(a) assessment and evaluation materials that are tailored to assess specific areas of educational need; and

(b) assessments that are selected ensure that results accurately reflect the child's aptitude or achievement level.

(6) Public agencies in New Mexico shall devote particular attention to the foregoing requirements in light of the state's cultural and linguistic diversity. Persons assessing culturally or linguistically diverse children shall consult appropriate professional standards to ensure that their evaluations are not discriminatory and should include appropriate references to such standards and concerns in their written reports.

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

(a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306 and these or other department rules and standards and, for a child suspected of having a specific learning disability, in compliance with the additional procedures of 34 CFR Secs. 300.307-300.311, and these or other department rules, policies and standards.

(b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(2) Optional use of developmentally delayed classification for children aged 3 through 9

(a) The developmentally delayed classification may be used at the option of individual local education agencies but may only be used for children who do not qualify for special education under any other disability category.

(b) Children who are classified as developmentally delayed must be reevaluated during the school year in which they turn 9 and will no longer be eligible in this category when they become 10. A student who does not

[6.31.2.10 NMAC - Rp, 6.31.2.10 NMAC, 6/29/07]

