

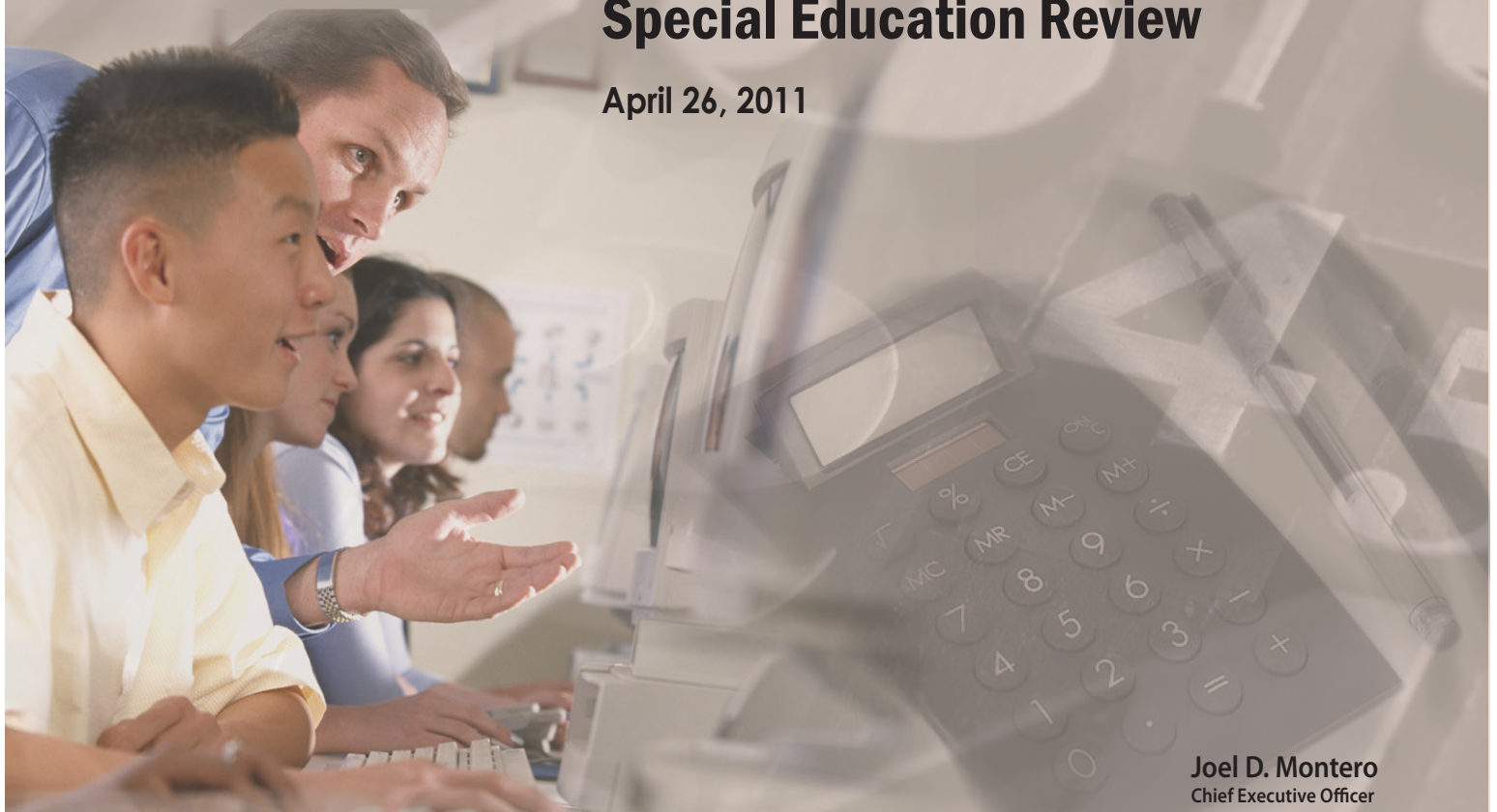


CSIS California School Information Services

Albany Unified School District

Special Education Review

April 26, 2011



Joel D. Montero
Chief Executive Officer





CSIS California School Information Services

April 26, 2011

Marla Stephenson, Superintendent
Albany Unified School District
1051 Monroe St.
Albany, CA 94706

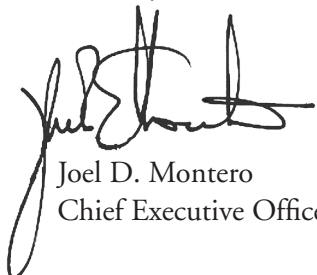
Dear Superintendent Stephenson:

In November 2010, the Albany Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a study that would perform the following:

1. Conduct a comprehensive review of the special education delivery system and determine how the program can be more cost efficient. The review will include recommendations to reduce the level of contributions from the unrestricted general fund and continue to sustain the quality of services and meet the legal requirements of the program.
2. Evaluate the effectiveness of the staffing process for certificated staff and classroom aides including class size ratios and provide recommendations, if needed.
3. Review the district's implementation of the Response to Intervention Model (RTI) and provide recommendations, if any.
4. Review the district student study team process and make recommendations to improve efficiency.
5. Review nonpublic school and nonpublic agencies placements and make recommendations on cost containment.
6. Review legal services costs and usage and make recommendations on how to effectively work with parents to reduce legal services. This component will also include recommendations on collaborative solutions on how to work together in an effort to further reduce the need for costly mediation and due process hearings and avoid litigation. This report contains the study team's findings and recommendations. We trust that this information will be beneficial to all concerned.

FCMAT visited the district January 24-26, 2011. This report is the result of that effort. It has been a pleasure to serve you, and please give our regards to all the employees of the Albany Unified School District.

Sincerely,



Joel D. Montero
Chief Executive Officer

FCMAT

Joel D. Montero, Chief Executive Officer

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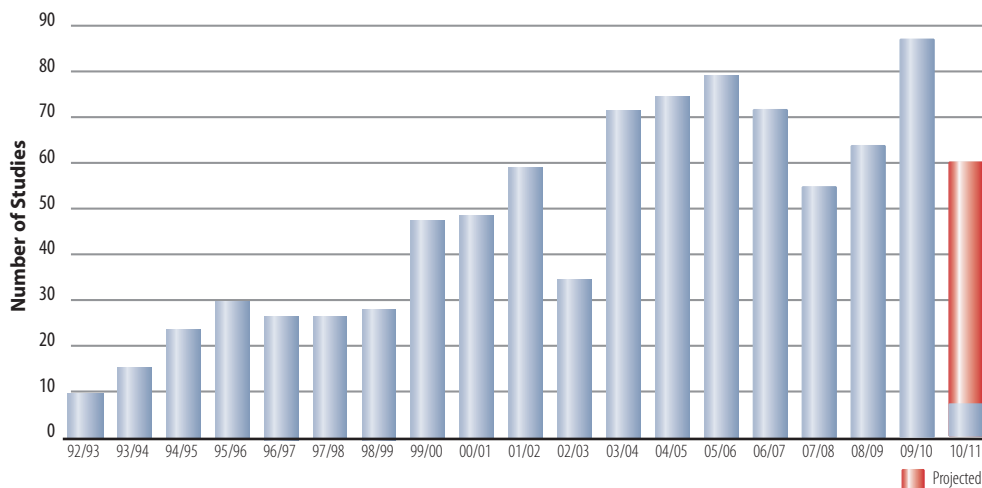
About FCMAT

FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices and efficient operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and share information.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the local education agency to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

Study Agreements by Fiscal Year



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help local educational agencies operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) arm of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) and also maintains DataGate, the FCMAT/CSIS software LEAs use for CSIS services. FCMAT was created by Assembly Bill 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. Assembly Bill 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. Assembly Bill 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county office of education and school districts to work together locally to improve fiscal procedures and accountability standards. Assembly Bill 2756

(2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, SB 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

Since 1992, FCMAT has been engaged to perform nearly 850 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

The Albany Unified School District is located in the greater San Francisco Bay Area and has an enrollment of 3,849 students. The district is composed of one preschool, three elementary schools, one middle school, two high schools and one adult school. In the 2009-10 fiscal year, approximately 10.51% of the district's general education enrollment was identified as requiring special education services, which is slightly above the statewide average of 10%.

In October 2010, the district requested that FCMAT review its special education programs and services. The study agreement specifies that FCMAT will perform the following.

1. Conduct a comprehensive review of the special education delivery system and determine how the program can be more cost efficient. The review will include recommendations to reduce the level of contributions from the unrestricted general fund and continue to sustain the quality of services and meet the legal requirements of the program.
2. Evaluate the effectiveness of the staff process for certificated staff and classroom aides including class size ratios and provide recommendations, if needed.
3. Review the district's implementation of the Response to Intervention model (RTI) and provide recommendations
4. Review district student study team process and make recommendations to improve efficiency.
5. Review nonpublic school and nonpublic agencies placements and make recommendations on cost containment
6. Review legal services costs and usage and make recommendations on how to effectively work with parents to reduce legal services. This component will also include recommendations on collaborative solutions on how to work together in an effort to further reduce the need for costly mediation and due process hearings and avoid litigation.

Study Guidelines

FCMAT visited the district on January 24, 25 26, 2011 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- I. Executive Summary
- II. Special Education Delivery system
- III. Staffing/Caseloads
- IV. Response to Intervention
- V. Nonpublic Schools and Agencies
- VI. Legal Costs and Services
- VII. Appendices

Study Team

The study team was composed of the following members:

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Executive Summary

The Albany Unified School District's unrestricted general fund contributes 49.4% percent of the funding necessary to operate special education programs and services, exceeding the statewide average of 30%. All the districts in the North Region Special Education Local Plan Area (SELPA) exceed the statewide average in the percentage of general fund contributions.

Data for the past three years indicates that the district does not overidentify students for special education in its district of residence; however, it is affected by the number of students served who are not district residents.

The district has developed a sequence of special education programs and services that comply with requirements in state and federal law. Students receive most of their support/services in general education classes. A small number of classes are also available for students requiring specialized instruction in a small group setting.

The district has limited the use of one-to-one instructional aide support. However there are no written procedures to guide schools in evaluating the need for this service and identifying the appropriate goals and skills necessary to promote independence, which would help students transition from that level of service.

The Special Education Department has not been responsible for developing or monitoring the special education budget. The district should consider creating opportunities for articulation between the Business and Special Education departments to recognize potential problems, funding opportunities and increase district awareness of any unbudgeted expenditures.

A FCMAT analysis of staffing and caseloads for all special education staff found that with the exception of school psychologist ratios, the caseloads of special education teachers and providers are consistent with statewide practice and/or Education Code requirements. The ratio of school psychologists to general education students, which is 1:1,478, exceeds the statewide average, which is 1:1,345.

The governing board has adopted administrative procedures guiding the district's student study teams (SSTs); however, the process is defined and operated differently throughout the district. Intervention strategies before referral to special education are implemented inconsistently. During the 2009-10 fiscal year, 51% of the students referred for special education services were eligible while 41% were not eligible. The district ineligibility rate is the highest in the North Region SELPA. This could be affected by the lack of successful and effective interventions in the SST process.

The district has not implemented Response to Instruction and Intervention. The enactment of No Child Left behind (NCLB) legislation in 2001 prompted a major shift in education throughout the nation. Since then, student achievement and accountability have been at the forefront of the decisions made by administrators and teachers. In 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA) 2004 provided support for models that include response to scientific, researched-based interventions. The law stated that these methods may be used as an alternative to the discrepancy model when identifying students as learning disabled. IDEA 2004 shifted research-based from special education to general education, stressing that this method would no longer be limited to special education students, but would apply to all students. Each individual state was required to develop its own guidelines and regulations. RTI, which is now referred to as Response to Intervention (RTI2) in California provides districts with a method to drive educational decisions and measure academic growth.

There is no infrastructure to support RTI such as a clearly defined philosophy of RTI, research-based interventions to support the model, and the necessary support and training to ensure implementation. This is compounded by a lack of standardized access to the core curriculum at the elementary level. RTI is a general education initiative.

The district has limited capacity for alternatives to nonpublic schools; however, a program for students with significant behavioral/emotional problems should be expanded. The district should develop a district program option for middle school students to avoid costly nonpublic school placements outside the district. The only way to decrease costs for nonpublic schools or nonpublic agency services is to create alternative programs in the district.

The district has had no due process filings in the past three years. The staff works diligently to resolve issues with parents at the lowest level.

Findings and Recommendations

Special Education Delivery System

The Albany Union School District's goal is to decrease the unrestricted general fund contribution to special education while continuing to meet maintenance-of-effort (MOE) requirements and delivering high-quality educational services to its students. A district can decrease its MOE requirements (general fund contribution) only for a limited number of reasons such as a significant reduction in staffing or the designation of a portion of American Recovery and Reinvestment Act (ARRA) funds. The Business Department is aware of these reasons and follows state and federal regulations. The district's philosophy is to deliver high-quality educational services to its students. Both factors were considered when reviewing the district's special education delivery system and making recommendations regarding program operating cost.

Over the past three years, the district's unrestricted general fund has contributed approximately half the special education budget. In the North Region Special Education Local Plan Area (SELPA), the average general fund contribution has also not significantly increased or decreased. All the SELPA districts have a percentage of general fund contribution that is higher than the state average of approximately 30%. As shown in the following table, Albany Union is below the SELPA general fund contribution average although not all districts offer the same level of service.

The amounts for 2010-11 in the above table are estimates, while the data for 2008-09 and 2009-10 are based on actuals. The SELPA estimated that Albany Union's general fund contribution would be \$3,305,971, and the district has actually budgeted \$2,857,875. Based on the district's budget, the unrestricted general fund contribution is reduced slightly to 48.6%.

Comparison of District's General Fund Contribution with SELPA Average

Year	Albany	North Region SELPA	Difference
2008-09	47.21%	51.64%	- 4.43%
2009-10	46.72%	54.45%	- 7.73%
2010-11	49.84%	53.79%	- 3.95%

Source: Data supplied by the North Region SELPA

There are difficulties inherent to comparing one district's general fund contribution with the state average. The state uses MOE to ensure districts include the same Standardized Account Code Structure (SACS) codes when determining MOE; however, the state cannot ensure that districts include the same costs in each code. For example, one district may provide special education transportation, but not include those costs as a special education expense while another district may include them. Other factors such as salary and benefits, percentage of students in nonpublic schools (NPS) or percentage receiving services from nonpublic agencies (NPA) also affect general fund contributions.

The district indicated that salaries and benefits account for approximately 80% of the special education budget. Nonpublic school and nonpublic agency projected costs account for approximately 16.4% of the budget, leaving 3.6% to cover all other expenses.

Another area that may affect general fund contribution is a district's percentage of special education students as compared with the state. Albany Union is significantly different from other districts because it serves a number of students from out of the district. At most districts, a significant percentage of students is served by the county office, another district, or in a nonpublic

school. When districts service students from outside the district, there is almost always increased cost to the district. An important issue for Albany Union is whether providing special education to the out-of-district students significantly affects the special education budget.

FCMAT completed an analysis of identified students considering both district of residence (DOR) and district of service (DOS). The state considers 10% the average served in a school district's K-12 special education program. Table 2 data shows that the district has served slightly more than the state average for the past several years when DOS students are included and slightly less than the state average when only DOR are included. Neither of these percentages is significant and likely would not reduce the number of staff members needed to operate the special education program. Some SELPA reports refer to 11.11% reports, but this includes preschool students and therefore should not be compared to the 10%. As detailed later in this report, districts that have implemented a strong Response to Intervention (RtI) model have significantly reduced the percentage of students receiving special education and the cost of the program. As more districts implement RtI, the overall state percentage will decrease.

Percentage of Students in Special Education by District and SELPA K - 12

Year	Albany (DOS)	Albany (DOR)
Dec. 2007	10.73	NA
Dec. 2008	10.55	NA
Dec. 2009	10.51	9.9

Source: Data provided by the North Region SELPA

Even if the number of identified special education students does not significantly affect the budget, the district should consider the potential fiscal and instructional impact of overidentification in one or more categories. Special education students in each specific disability category were compared to the county and the state percentages for both DOS and DOR data.

The December 2009 data indicates that the district overidentifies students requiring speech and language services by 11.1%. The district also overidentifies hard-of-hearing students by .3 %, those requiring vision services by .45%, the multiply disabled by .1%, and autistic students by .3%. The latter percentages are not significant; however, they are low-incidence disabilities and hard-of-hearing and visually impaired students require specialized services contracted through nonpublic agencies. Programs for multiply disabled and autistic students are also frequently more costly than other special education programs.

The district should review its overidentification in speech and language to determine if any students can be provided with comparable intervention strategies such as the speech improvement class offered at the San Diego Unified School District. San Diego Unified operates a model with documented outcomes that provides intervention prior to special education support. The district should also review the exit data for this category of students to ensure they transition from special education when they no longer meet state and federal criteria.

December 2009 Data - Percentage Comparison by Disability for DOS Special Education Students

MR	HOH	D	SLI	VI	ED	OI	OHI	SLD	DB	MD	A	TBI	
Albany	3.7	1.6	0.5	35.8	1.1	1.9	0.7	7.0	37.2	0.0	0.9	9.1	0.2
County	6.0	1.4	2.0	27.4	0.9	5.4	1.6	7.1	37.4	.01	1.0	9.1	0.3
State	6.3	1.4	0.6	24.7	0.65	4.0	2.3	7.9	42.3	.02	0.8	8.8	0.3

Source: California Department of Education Dataquest

A comparison of DOR and DOS student identification for 2009 found no areas of significant overidentification. Because out-of-district students are eligible in almost all disability areas, reducing their number would not reduce the staff needed to operate the program.

December 2009 data - Percentage Comparison DOR and DOS Special Education Students

MR	HOH	D	SLI	VI	ED	OI	OHI	SLD	DB	MD	A	TBI	
DOR	3.1	1.8	0.5	37.4	1.3	2.1	0.8	7.3	35.3	0	1.0	8.9	0.3
DOS	3.7	1.6	0.5	35.8	1.1	1.9	0.7	7.0	37.2	0	0.9	9.1	0.2
+/-	+6	-2	0	-1.6	-2	-2	-.1	-.3	+1.9	0	-.1	+2	-.1

Source: California Department of Education Dataquest

The special education director reviews every IEP to ensure that it is correctly completed and complies with state and federal regulations. However, the teaching staff perceives that some students are referred to special education and sometimes found eligible even though they would be ineligible in most other districts. This could account for the total number of special education students served; however, there was no data on this area.

The Individuals with Disabilities Education Act (IDEA) requires schools to provide each disabled student with a free appropriate public education (FAPE) (Title 23, Code of Federal Regulations, 300.101 through 300.120) in the least-restrictive environment (LRE). FAPE is defined as an educational program that is individualized to a specific child, designed to meet his or her unique needs, and provide educational benefit. LRE ensures that handicapped students are educated with students who are not handicapped whenever possible. IDEA further prohibits students from being removed from general education unless the severity of their handicap prevents them from being satisfactorily educated with supplementary aids and services. The legislation permits a student to be placed outside of the general education to ensure the IEPs can be implemented; therefore, a district has discretion on how best to serve its special education students.

With few exceptions, the district has developed a program where special education students receive most of their support in general education. Paraeducators, resource specialists and special day class teachers are often in the general education class to provide support. Students may also be in a special education pull-out class for one to two periods a day for additional instruction.

The district continues to use the designations of resource specialist/special day class for teachers and students. However, a student's designation does not restrict the special education staff members that can serve the student. Because the district provides flexibility to meet the range of students' needs, it should consider using different terminology in referring to most special education classes. According to the Code of Federal Regulations Title 34, Part 300.26(b) (3)), specialized academic instruction is "adapting, as appropriate to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children."

Defining the special education program as specialized academic instruction and most of the special education credentialed staff as specialized academic instruction teachers may better reflect program operation.

The Special Education Department conducts monthly meetings with speech and language specialists, psychologists and special education teachers. These meetings are held separately and tend to focus on IEP forms and legal information, according to the staff. When special education staff members attend a conference or workshop, which is funded by the Special Education Department, they do not provide the information to the general special education staff although

they may share it with their site. This is not cost-effective since the information from conferences and workshops should be systematically shared with all special education staff members that would benefit from the information.

The district lacks a defined process and documentation to determine whether a student requires additional paraeducator support than provided in the program. The IEP team determines whether a student requires additional support without specific data.

Most of the state's districts have a set of forms and criteria for determining the need for additional support. These forms outline the type of support needed, the reason, the time of day it will be required, and any available natural supports (i.e. other students or staff in the class). Sample forms and procedures are available from the North Region SELPA. Additional support is approved only after the district determines that it is necessary and cannot be provided in any other way. In addition, goals for independence and transition or "fading" from this service are included in every IEP. Most IEPs also include a transition plan for fading adult support. This ensures that staff members, the family, and the student work toward the same goal of independence and student success.

The Special Education Department determines paraeducator assignments. The director and program specialists review assignments in April and May, and the information is distributed to the paraeducators in June. However, staff members indicated they have little input in decisions regarding paraeducator assignments. Obtaining input from paraeducators may provide more effective options, reducing overall requests for these staff members.

The Special Education Department does not develop or monitor its budget. The special education director has reduced the costs of nonpublic schools, nonpublic agencies and legal issues over the last several years. However, the special director should be proficient in monitoring and updating the budget. The district should develop a process for the director to meet regularly with the assistant superintendent of business to review the special education budget, revenues and expenditures. This will ensure that the Special Education Department is aware of potential budget problems and that the Business Department knows of any unbudgeted expenditures.

Recommendations

The district should:

1. Continue to closely monitor the unrestricted general fund contribution and how it compares to the SELPA.
2. Assign the SELPA director to perform an analysis to determine why the general fund contribution throughout the SELPA is significantly higher than the state average.
3. Continue to monitor the percentages of special education students served in each eligibility category, using the data for the following purposes:
 - To review how eligibility requirements are implemented in each category.
 - To review the need for either NPA services or district-hired employees to provide required services.
4. Assign the Special Education Department to determine why students are overidentified as requiring speech and language therapists. This should include the development of an intervention model to address the needs of students with IEPs related to single-sound errors outside the IEP process (e.g. the San Diego Unified speech improvement class model).

5. Conduct a review using a sample of IEPs from each school to determine whether students meet eligibility requirements. The names and schools on the IEPs reviewed should be redacted. The SELPA should be requested to assist in the review as an independent evaluator since personnel there are knowledgeable of special education regulations and the unique characteristics of the SELPA.
6. Consider changing the designation of special education staff from resource specialist and special day class teacher to specialized academic instruction teacher.
7. Continue monthly meetings with special education and, in these or other meetings, perform the following:
 - Assign the staff report on all conferences and workshops attended and train their peers when appropriate.
 - Share curriculum and the strategies being implemented.
 - Gain input to help resolve a variety of issues such as paraeducator assignments or reducing costs.
8. Develop specific forms and procedures for determining whether additional para-educator support is needed for a class or student, and if so, perform the following:
 - Determine when and where support already exists, including natural supports.
 - Determine when and where additional supports are needed based on the student's goals.
 - Ensure the student's IEP includes goals for independence.
 - Ensure the student's IEP includes a transition plan for the additional support.
 - Ensure the student's IEP includes a time line to review the additional support at the annual review or before the new school year.
9. Establish monthly meetings of the special education director and the and the assistant superintendent of business that includes on its agenda the following topics:
 - Budget development
 - Budget monitoring
 - Maintenance-of-effort reporting
 - Additional staff requests or changes in assignments
 - Nonpublic school and nonpublic agency contracts, including individual service contracts and monthly invoices.
 - New nonpublic school and nonpublic agency placements
 - Upcoming due process or complaint issues

Staffing and Caseloads

FCMAT reviewed the district's Special Education Department staffing ratios. Comparative state-wide survey data is available for analyzing assignment formulas in most staffing areas. This data was compiled by School Services of California Inc. (SSC) and is recognized as a set of staffing guidelines used by districts across the state. When they were included in Education Code Section 30, some caseloads were analyzed using the legal caseload requirements.

Certificated Staffing

The average special day class size for autistic students is seven, which is within the statewide guideline of six to eight. The average SDC size for nonsevere students is 12, which is also within the statewide guideline of 12 to 15.

The preschool operates with a full-time teacher and an average class size of 11; however, students are eligible for this program at any time of the year once they reach the age of three. As a result, enrollment can increase any month of the school year. The statewide practice is between 15 and 17 students per preschool SDC. The SELPA average is 8.5 students.

The district's adapted physical education (APE) caseload of 26 students is less than the statewide average of 55 students; however, the district has only one APE teacher traveling between all five schools. The schedule must incorporate travel time, and this requires a lower caseload.

The average caseload for speech therapists is 52, which is consistent with Education Code 56363.3 requirements. The average caseload for resource specialists is 27, which is consistent with Education Code 56361.5.

Based on the data gathered through the California Basic Education Data System (CBEDS), the 2007-08 ratio of psychologists in California is one to 1,328, and the 2010-11 data was unavailable. The district ratio is 1:1,603. Many districts may operate at higher levels because of the fiscal crisis. The district can either maintain the staffing level at the current ratio or replace its open .4 FTE position, which was not filled and subsequently eliminated a few years ago.

Classified Staffing

Caseloads for occupational therapists average 46, which is within the statewide guidelines.

The number of paraeducators has decreased from 40.29 FTE in 2006-07 to 36.14 FTE in 2010-11. Each resource specialist has an average instructional aide support of 1.2 FTE; however, the Education Code 56362 (5) (f) requires only 80% of resource specialists to receive instructional aide support. The district could continue to work towards realigning the support services in these classes with the Education Code requirement.

The district maintains a ratio of 1:2 in the autism classes, which is consistent with statewide practice. The number of one-to-one paraeducators is not excessive, but the identification process should be more clearly defined and documented. The IEP team should be focus on building independence and avoiding overdependence on one-to-one aides.

Recommendations

The district should:

1. Continue current staffing patterns in SDC, APE and RSP.
2. Determine the options outlined regarding psychologist staffing to either align with statewide practice or operate caseloads at a higher ratio.
3. Continue to work towards realigning the support ratio for resource specialists with Education Code requirements, considering some reduction of positions.
4. Develop guidelines for the use of one to one instructional aides based on assessment, and focus on building independence.

Student Study Team Process

The district has administration procedures (6164.5 instruction) that outline the necessary components for SSTs. The board encourages staff members and parents to collaborate in evaluating student needs and identifying strategies and programs to help them. A member of the FCMAT study team met with one elementary, the middle and high school SST teams. Follow-up meetings were held with each principal. FCMAT found that each school has a student study team process but define its function independently. Interventions before special education referral are inconsistently implemented throughout the sites. Some staff members perceive that the SST process is the gateway to special education. Student study teams are a general education responsibility. Of the formal evaluations completed in 2009- 2010, 51% were for students found to be eligible for special education and 41% were for students that were ineligible. The district maintains the highest rate of ineligible students in the North Region SELPA.

Recommendations

The district should:

1. Re-evaluate the student success team process and align it for consistency throughout the district.
2. Review the SELPA ineligibility data and determine why so many students referred to special education are ineligible.

Response to Intervention

The enactment of No Child Left behind (NCLB) legislation in 2001 prompted a major shift in education throughout the nation. Since then, student achievement and accountability have been at the forefront of the decisions made by administrators and teachers. In 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA) 2004 provided support for models that include response to scientific, researched-based interventions. The law stated that these methods may be used as an alternative to the discrepancy model when identifying students as learning disabled. IDEA 2004 shifted research-based intervention from special education to general education, stressing that this method would no longer be limited to special education students, but would apply to all students. Each individual state was required to develop its own guidelines and regulations. RTI, which is now referred to as Response to Intervention (RTI2), provides districts with a method to drive educational decisions and measure academic growth.

In his message, State Superintendent Jack O'Connell stated the following:

Response to Intervention (RtI) is emerging nationally as an effective strategy to support every student. The California Department of Education (CDE) is coining the term Response to Intervention (RtI2) to define a general education approach of high-quality instruction and early intervention, prevention, and behavioral strategies. RtI2 offers a way to eliminate the achievement gap through a school-wide process that provides assistance to every student, both high-achieving and struggling learners. It is a process that utilizes all resources in a school and school district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data. RtI2 is fully aligned with the research on the effectiveness of early intervention and the recommendations of the California P-16 Council. Access, culture and climate, expectations, and strategies are the council's themes.

The district has not implemented Response to Intervention, and FCMAT was asked to determine the district's readiness to implement the model. There is no infrastructure to support an RTI model such as a clearly defined philosophy on RTI, an intervention structure to support three levels of intervention and response to student needs, and the identification of appropriate interventions with training and support for implementation. A master plan has not been developed; however, staff interviews indicated that the administration is ready to complete this component. RTI is a general education initiative.

Through staff interviews, FCMAT found that the district lacks the research-validated tools for differentiated teaching and effective whole group instruction. This is compounded by a lack of standardization in the core curriculum at the elementary level, which should be the base for this instruction.

There is no efficient schoolwide assessment system that provides student screening beginning in the fall of the kindergarten year and includes progress monitoring using assessment such as dynamic Indicators of Basic Early Literacy skills (DIBELS). Curriculum-based measurement is used at some schools, but inconsistently.

The staff has received little training in Response to Intervention although some administrators and teachers have participated in brief workshops or sessions outside the district. Staff members indicated they are willing to participate in developing a master plan and implementing RtI, and specific personnel at each site can lead the staff in this area. Some resources and interventions

that are being implemented at the sites would fit the Response to Intervention model; however, others are not researched-based and do not include data collection and progress monitoring. The district should ensure it has a system to help with RtI's data collection components.

The district should plan to provide the staff with intensive RtI2 training before implementation. The training phase should be clearly outlined in the master plan. During a presentation held at the National Association of School Psychologists Convention in 2006, George Batsche, of the University of South Florida, and W. David Tilly, of Heartland Area Education Agency in Iowa, identified the phases of consensus building (commitment from the staff), infrastructure, and implementation in the implementation of RtI2. The curriculum and instruction director should lead Response to Intervention implementation with help from the director of special programs, assessment and student Services. This would be crucial to implementation since RtI2 is a general education function, and acceptance should be sought from the entire staff. The Curriculum and Instruction Department is the instructional leader in school systems.

The district should consider hiring an RtI2 expert to help plan, train, and implement phases of this model. The district should consult with the county office to determine if resources are available to assist with the planning, training and implementation. Many experts in the field have extensive knowledge and are practiced in the implementation of the RtI model. FCMAT does not endorse candidates, and the district will need to conduct its own independent research to identify the right consultant for its needs. Some of these experts include the following:

- George Batsche, Ed.D. University of South Florida
- W. David Tilly III, Ph.D., Heartland Area, Iowa

On November 14, 2008, the California Department of Education (CDE) issued information regarding RtI2 as guidance to California schools. This information has been attached as Appendix A to this report and is available at the following Web address:

<http://www.cde.ca.gov/ci/cr/ri/rtiphilosophydefine.asp>

In 2009, the CDE also issued the document titled "Determining Specific Learning Disability Eligibility Using Response to Intervention and Instruction RtI2." This booklet, attached as Appendix B to this report, details the ways RtI2 should be used in schools. It is available at the following Web address:

<http://www.cde.ca.gov/sp/se/sr/documents/sldeligibiltyrti2.pdf>

This information should be reviewed by the district team responsible for developing the RtI2 plan. It includes a basic description of RtI and identifies components needed in an effective RtI model. The CDE guidelines further provide a step-by-step process and set of guidelines for planning and implementing RtI based on best practices.

Recommendations

The district should:

1. Develop a master plan for implementing RtI2.
2. Ensure the plan is endorsed by the superintendent and submitted to the governing board for approval and adoption.

3. Assign the curriculum and instruction director to lead Response to Intervention implementation with help from of the director of special programs.
4. Ensure the staff is aware that RtI is a general education function, and all staff members are committed to the RtI2 model.
5. Develop a training module and ensure that intensive training begins as soon as feasible after board adoption of the plan.
6. Determine whether it would benefit the district to use an RtI expert to help plan, train and implement phases of this model.
7. Ensure students receive high-quality standards-based instruction in an elementary curriculum that is standardized across elementary school sites
8. Ensure all staff members have access to and use scientifically researched-based instruction and interventions.
9. Ensure the district has appropriate state-approved supplemental intervention programs for tiers II and III.
10. Review universal screening models and determine which will be most appropriate to adopt. Dynamic Indicators of Basic Early Literacy Skills (DIBELS) is free through the University of Oregon, and Aimsweb is another option.
11. Determine what progress monitoring system is most appropriate to meet the student and district needs.
12. Create or purchase a system for collecting data and monitoring progress if the district's current system does not meet needs. This will help the district assess student academic and behavioral performance and evaluate the effectiveness of instruction.
13. Ensure RtI drives educational decisions and measures academic growth if the model is implemented.
14. Ensure parents participate in all stages of the process.

Nonpublic Schools and Agencies

According to the California Education Code, a nonpublic school (NPS) is certified by the California Department of Education (CDE), nonsectarian, and under contract with a public school district. The NPS provides the appropriate facilities, special education, designated instruction and services required by the individual with exceptional needs (IWEN) when no appropriate public education program is available (Education Code section 56345).

The district has contracts for eight students in nonpublic schools and one student in a preschool program. This is a reduction from the 2009-10 fiscal year, when the district had contracts for 11 students in nonpublic schools. The district reported that two of these students are in residential placement with mental health. The number of Albany Unified students in an NPS is small in comparison with the total number of students in the SELPA attending an NPS.

Comparison of NPS Placement in the District and SELPA

Year	Albany	SELPA
2008-09	10	138
2009-10	11	148
2010-11	9	143

Source: District-provided data

The district has reduced the number of NPS students, but without developing programs or services to meet their needs in a district program. Without appropriate district programs, the number of students requiring an NPS placement could easily increase either because a student with an NPS placement on his or her IEP moves to the district or a student's behavioral needs became more problematic.

After determining that a student will attend an NPS, the IEP team does not regularly develop a clear transition plan and goals to return the student to a district-operated program as soon as possible. This is in part because the district lacks programs that meet the needs of these students and a written procedure to ensure transition planning.

A nonpublic agency (NPA) is an agency certified by the State Department of Education, nonsectarian, and under contract to provide appropriate special education designated instruction and services. These services are required by the individual with exceptional needs when no appropriate public education program/service is available. Nonpublic agencies may provide services in areas such as occupational therapy, speech therapy or behavior.

The district has 23 nonpublic agency contracts for students, providing services in the following areas:

- Speech
- Behavior
- Occupational therapy
- Physical therapy
- Interpretation
- Assistive technology/communication
- Transportation
- Communication access real-time translation
- Support for the deaf/hard of hearing

- Support of the visually impaired

The special education director has attempted to reduce the total number of NPA contracts by contracting with one agency instead of several different agencies whenever possible. This does not affect the cost of services, but reduces the staff time required to process and monitor several contracts for similar services. In addition, the director has changed some contracts to enable a NPA to provide assessment or monitoring for several students rather than developing a new contract for each additional student needing the service. This reduces staff time and is therefore more cost efficient. The strategy also may mean that the full amount of a contract is not used during the school year, reducing the actual cost of NPAs.

The director has developed other options. There was an initial cost increase when the district hired a behavioral specialist, but the total cost has significantly decreased since 2008-09. The following table shows the cost of NPA and district services since that year. The amounts listed for 2010-11 are budgeted costs and may change.

Behavior Costs Since 2008-09

Year	NPA Cost	Total Cost	District Saving
2008-09	\$102,965	\$168,262	
2009-10	\$ 46,463	\$117,840	\$50,422
2010-11	\$ 6,435	\$ 86,975	\$31,865

Source: District-provided data

Although these savings are substantial, the district could further reduce costs by developing a different model for students to receive behavioral support. The behaviorist has developed a form regarding a student's behavioral needs with the behaviorist; however, it is not consistently completed. As a result, the behaviorist's time is not used in the most cost-effective manner.

The district has one behaviorist and three behavior paraeducators. Three paraeducators are assigned to a specific classroom, and one is temporarily assigned to assist with another student. These staff members are highly trained and reportedly effective. However, by assigning them to one class for the year, the district limits the amount of time the behaviorist has for training. Using trained behavior paraeducators in a more flexible manner will allow them to quickly intervene when a student needs short term-intensive interventions and train other paraeducators in data collection and behavior techniques. The behaviorist supervises these paraeducators, trains others, and develops the more involved behavior plans required for students with the most-intensive needs. The goal of this type of programming is to maximize resources, eliminate the need for some NPA or NPS placements, and reduce the number of requests for additional district paraeducators.

For budget purposes, the district combined NPS and NPA costs. As indicated in the following table, overall costs have significantly decreased because of the reduction in NPS and NPA placements.

Comparison on Albany NPS/NPA Costs for 2008 to Current

Year	Actual	Projected	To Date
2008-09	1,110,884		
2009-10	858,942		
2010-11		960,926	644,882

Source: District provided data

The data indicates that some contracted NPA services are not cost-effective when provided by the district because of the limited number of students in who require them. These often include services provided by physical therapists and teachers of the deaf or visually impaired. However,

the district could have a sufficient number of students to warrant hiring an employee that serves several districts. This would require coordination and commitment, but is often effective in providing quality services at a reduced cost.

If hiring such a staff person is not viable, that the district should consider hiring additional full- or part-time employees. With this option, the district would have to determine whether candidates are available for these positions and compare the cost to that of NPA serves.

Continuing to contract with an NPA may sometimes be the most cost-effective option because of the difficulty in finding appropriately credentialed staff members for these positions.

Recommendations

The district should:

1. Continue to reduce the number of students in NPS placements by completing the following:
 - Ensuring that the initial placement IEP and all future IEPs include goals and a transition plan to return the student to a district-operated program, providing placement in the least-restrictive environment.
2. Ensure the form developed by the behaviorist is completed in a timely manner.
3. Develop a pilot program using the trained behavioral paraeducators and behaviorist to intervene with students who need short-term intensive behavioral interventions and train other paraeducators. The district should evaluate the program's cost-effectiveness and benefit to determine whether to continue it, modify it or return to the current delivery model.
4. Continue to reduce the cost of NPA services by performing the following:
 - Consolidating contracts for NPA services whenever possible.
 - Coordinating with other SELPA districts to determine how to hire staff members to provide the NPA services now under contract.
 - Consider hiring additional full- or part-time staff members when coordination is not possible.

Legal Costs and Services

The Individual with Disabilities Education Act (IDEA) provides for mediation and due process to resolve disputes related to the education of disabled children. This is to ensure that each child receives a FAPE tailored to his/her unique needs.

The district has had no due-process filings in the past three years and has filed only for mediation. In addition, the district has conducted facilitated IEP meetings, which are IEP meetings conducted by trained SELPA facilitators to resolve differences between families and the district. The district has also participated in alternative dispute resolution (ADR) meetings, and the SELPA provides ADR to help resolve disagreements.

The staff indicated that the district attempts to resolve all these disagreements at the site level through the IEP with assistance from the program specialists. If no resolution occurs there, the district requests that the family participate in a facilitated IEP or ADR meeting and seeks formal mediation only when the other measures are unsuccessful or the family is not interested in participating.

The district has reportedly used the SELPA-provided facilitated IEPs and ADR less than other SELPA districts, and the staff indicated that this may be because of the efforts to resolve differences at the IEP level. Some staff members perceive that unnecessary services are sometimes provided to avoid litigation. The district has one area of overidentification, but a significant number of additional services are not provided and therefore do not support this perception.

The Special Education Department works diligently to contain litigation costs. In 2009-10, \$24,553 was expended in legal fees; however, only \$5,162 had been expended in 2010-11 at the time of FCMAT's fieldwork.

Staff members indicated there is a lack of trust between families and the Special Education Department. One reason may be that families do not feel welcome in the department and believe they cannot easily access the director.

The district Web page includes a link for special education under departments; however, little information is available other than a list of district staff and a report from 2009. Many items could be added to make the special education link more useful for parents such as providing a link to the SELPA website and the California Department of Education special education web page.

The SELPA Community Advisory Committee (CAC) holds meetings at the district, and several parents attend. Other than those required during the special education self-review, no district-coordinated meetings have been held to welcome new parents to the district, discuss parent concerns, or provide in-service training. Meetings such as these are often very effective in developing positive relationships between the district and families, increasing communication and collaboration and decreasing litigation.

Recommendations

The district should:

1. Continue monitoring legal costs monthly through meetings of the assistant superintendent of Business and special education director.

2. Continue using SELPA-provided facilitated IEPs and ADR as needed.
3. Revise the special education Web page to include more useful information for families and/or links to other sites such as the SELPA website the CDE special education Web page.
4. Establish a schedule for regular meetings of parents, the special education director, and program specialists to increase trust in the Special Education Department. These meetings could consist of the following:
 - Opportunities to highlight programs and/or services provided by the district
 - Opportunities for parents to share successes and concerns
 - In-service training

Appendices

- A. California Philosophy & Definition-RtI2
- B. Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI)
- C. Study Agreement



Curriculum & Instruction	Testing & Accountability	Professional Development
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California Philosophy & Definition-Rtl²

The California Department of Education's philosophy and definition in response to instruction and intervention (Rtl²).

The California Department of Education's philosophy and definition of Response to Instruction and Intervention provides a basis for understanding a systematic, data-driven approach to instruction believed to benefit every student in the effort to close the achievement gap.

Philosophy

As embodied in the core purpose of the California Department of Education, "We believe that the public school system must meet the comprehensive learning needs of each student to reach high expectations. Equity of access to quality public education is the right of every student and the responsibility of the State of California."¹

In addition, according to State Superintendent of Public Instruction Jack O'Connell, "Real, measurable progress has been made since the institution of standards-based education. But, while improvement in our schools has been nearly universal, our across-the-board success has still failed to close an achievement gap that threatens the future of our diverse state. Recognizing this is important. Addressing it is imperative. Too often, the struggles of the African American student, the English learner and the learning disabled student were hidden by overall school achievement gains. That day is past. Today we are holding ourselves accountable for the results of all children. And when we see significant groups of students falling far short of the goal of proficiency that we hold for all students we must act. Today, equipped with specific knowledge of those gaps, we must focus as never before on solutions."²

Of the many solution strategies that have been employed nationwide, the Rtl² model hopes to create in California's schools and districts the conditions necessary for closing the achievement gap. Rtl² focuses on the individual student and provides a vehicle to strengthen performance for struggling students before educational problems increase in intensity and special education seems the only viable option. Leadership is critical to the implementation of Rtl². To be effective, Rtl² must harness and coordinate the full resources of the school, district, and community. Administrators and their leadership teams, in collaboration with all teachers, have central roles in the planning, implementation, and successful day to day use of the Rtl² approach. Analyzing how students respond to instruction and interventions is an organizing principle for structures and programs that already exist in our schools. An education system implementing Rtl² promotes collaboration and shared responsibility for the learning of all students across all personnel and programs located in any given school.

Definition

In California, Response to Instruction and Intervention (Rtl²) is a systematic, data-driven approach to instruction that benefits every student. California has expanded the notion of Response to Intervention to Rtl². Rtl² is meant to communicate the full spectrum of instruction, from general core, to supplemental or intensive, to meet the academic and behavioral needs of students. Rtl² integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

Footnotes

1. California Department of Education. [Belief and Purpose](#). 18 January 2008. (accessed August 25, 2008).

2. Jack O'Connell, State Superintendent of Public Instruction, "State of Education Address." Address given before

Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI²)



California Department of Education
Sacramento, 2009



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Notice

The technical assistance in *Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI²)* is not binding on local educational agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, compliance with it is not mandatory. (See California *Education Code* Section 33308.5.)

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Message from the State Superintendent of Public Instruction

Response to Intervention (RtI) is emerging nationally as an effective strategy to support every student. The California Department of Education (CDE) is coining the term *Response to Instruction and Intervention (RtI²)* to define a general education approach of high-quality instruction and early intervention, prevention, and behavioral strategies. RtI² offers a way to eliminate the achievement gap through a schoolwide process that provides assistance to every student, both high-achieving and struggling learners. It is a process that utilizes all resources in a school and school district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data. RtI² is fully aligned with the research on the effectiveness of early intervention and the recommendations of the California P–16 Council. Access, culture and climate, expectations, and strategies are the council's themes.

RtI is cited in the reauthorization of the Individuals with Disabilities Education Act (IDEA) of 2004 related to the determination of a specific learning disability (SLD) and in 34 *Code of Federal Regulations* sections 300.307, 300.309, and 300.311. The IDEA regulations allow for the use of a process, based on a child's response to scientific, research-based intervention, as a component to determine whether a child has an SLD. Thus, the data gained during the implementation of an effective RtI² system can be part of the process to identify students with learning disabilities. Research shows that implementation of RtI² in general education reduces the disproportionate representation of certain groups of students identified as needing special education services.

Together, we can close the achievement gap and open the door to a better future for every student, without exception. I look forward to continuing our work together.

JACK O'CONNELL
State Superintendent of Public Instruction

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Introduction

Philosophy

We believe that the public school system must meet the comprehensive learning needs of each student to reach high expectations. Equity of access to quality public education is the right of every student and the responsibility of the State of California.

—California Department of Education,
January 18, 2008

According to State Superintendent of Public Instruction Jack O'Connell, "Real, measurable progress has been made since the institution of standards-based education. But, while improvement in our schools has been nearly universal, our across-the-board success has still failed to close an achievement gap that threatens the future of our diverse state. Recognizing this is important. Addressing it is imperative. Too often, the struggles of the African American student, the English learner, and the learning-disabled student were hidden by overall school achievement gains. That day is past. Today we are holding ourselves accountable for the results of all children. And when we see significant groups of students falling far short of the goal of proficiency that we hold for all students we must act. Today, equipped with specific knowledge of those gaps, we must focus as never before on solutions."¹

In California, Response to Instruction and Intervention (RtI²) is a systematic, data-driven approach to instruction that benefits every student. California has expanded the notion of RtI² to communicate the full spectrum of instruction, from general core to supplemental or intensive, to meet the academic and behavioral needs of students. RtI² integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

Of the many solution strategies that have been employed nationwide, the RtI² model is an approach that attempts to create the conditions necessary for closing the achievement gap. RtI² focuses on the individual student and provides a vehicle to strengthen performance for struggling students before educational problems increase in intensity and special education seems the only viable option. Leadership is critical to the implementation of RtI². To be effective, RtI² must harness and coordinate the full resources of the school, district, and community. Administrators and their leadership teams, in collaboration with all teachers, have central roles in the planning, implementation, and successful day-to-day use of the RtI² approach. Analyzing how students respond to instruction and interventions is an organizing principle for structures and programs that already exist in our schools. An education system implementing RtI² promotes collaboration and shared responsibility for the learning of all students across all personnel and programs located in any given school.

¹ Jack O'Connell, State Superintendent of Public Instruction, "State of Education Address." Address given before educational leaders, Sacramento, California, February 6, 2007.

Rtl² provides a vehicle to strengthen performance for struggling students before educational problems increase in intensity and special education seems the only viable option. Further, data gathered from Rtl² can be utilized in the identification process to determine if a student requires special education services.

Core Components

A cohesive Rtl² process integrates resources from general education, categorical programs, and special education into a comprehensive system of core instruction and interventions to benefit every student. The following core components are critical to the full implementation of a strong Rtl² process.

1. **High-quality classroom instruction.** Students receive high-quality and culturally relevant, standards-based instruction in their classroom setting by highly qualified teachers.
2. **Research-based instruction.** The instruction that is provided within the classroom is culturally responsive and has been demonstrated to be effective through scientific research.
3. **Universal screening.** School staff assesses all students to determine students' needs. On the basis of collected data, school staff members determine which students require close progress monitoring, differentiated instruction, additional targeted assessment, a specific research-based intervention, or acceleration.
4. **Continuous classroom progress monitoring.** The classroom performance of all students is monitored continually within the classroom. In this way, teachers can identify those learners who need more depth and complexity in daily work and those who are not meeting benchmarks or other expected standards and adjust instruction accordingly.
5. **Research-based interventions.** When monitoring data indicate a student's lack of progress, an appropriate research-based intervention is implemented. The interventions are designed to increase the intensity of the students' instructional experience.
6. **Progress monitoring during instruction and interventions.** School staff members use progress monitoring data to determine the effectiveness of the acceleration or intervention and make any modifications, as needed. Carefully defined data are collected on a frequent basis to provide a cumulative record of the students' progress, acceleration, and/or response to instruction and intervention.
7. **Fidelity of program implementation.** Student success in the Rtl² model requires fidelity of implementation in the delivery of content and instructional strategies specific to the learning and/or behavioral needs of the student.
8. **Staff development and collaboration.** All school staff members are trained in assessments, data analysis, programs, and research-based instructional practices and strategies. Site grade-level or interdisciplinary teams use a collaborative approach to analyze student data and work together in the development, implementation, and monitoring of the intervention process.
9. **Parent involvement.** The active participation of parents at all stages of the process is essential to improving the educational outcomes of their students. Parents are

kept informed of the progress of their students in their native language or other mode of communication, and their input is valued in making appropriate decisions.

10. **Specific learning disability determination.** The RtI² approach may be one component of the process for determining a specific learning disability as addressed in the IDEA of 2004 statute and regulations. As part of determining eligibility, the data from the RtI² process may be used to ensure that a student has received research-based instruction and interventions.

Foreword

The low achievement and graduation rates among identified minority groups and special education students and the disproportionate representation of minority groups in special education represent serious problems that must be solved if the promise of public education is to be fulfilled. Data analysis of overrepresentation and low achievement of students who constitute our most vulnerable populations resulted in significant educational reforms found in the 2004 authorization of the Individuals with Disabilities in Education Act (IDEA).

The change in IDEA allows school districts to analyze how students respond to interventions as a foundational piece for assisting at-risk students in general education settings before referrals for special education are made. All students who are having difficulty keeping up with the pace of curriculum demands can enjoy the benefits of RtI². Moreover, analyzing how students respond to instruction and interventions is an organizing principle for structures and programs that already exist in our schools. These existing programs utilize personnel in specialized ways; allocating these highly trained personnel into other areas maximizes resources effectively. The following positive outcomes have been documented in settings that have used RtI²:

- A decrease in overrepresentation of African Americans and other minority groups in special education
- A positive school climate that promotes collegiality and shared problem solving
- Increased teacher retention
- The unification and consolidation of resources
- Improved test scores

I wish to express my thanks to the members of the California Department of Education's RtI² Technical Work Group. This group of educators from general and special education, community organizations, parents, and other stakeholders was convened in July 2007 and met intermittently over the course of a year. They were given the task of developing a framework for considering how RtI² data may be used in California in the determination of a specific learning disability (SLD). This document represents the work of the group and is intended to provide technical assistance information to local educational agencies as they begin planning to implement RtI².

Mary Hudler
Director, Special Education Division

Chapter 1

Response to Instruction and Intervention

Response to Instruction and Intervention (RtI²) is a schoolwide process of early intervention and prevention of academic and behavioral difficulties. It is a process that utilizes all resources within a school in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data. Accountability for positive outcomes for all students is a shared responsibility of all staff members.

RtI² is a multistep process of providing high-quality, research-based instruction and interventions at varying levels of intensity for students who struggle with learning and behavior. The interventions are matched to student need, and progress is closely monitored at each level of intervention to make decisions about further instruction or interventions or both.

RtI² is used in schools in the following three ways:

1. *Prevention.* All students are screened to determine their level of performance in relation to grade-level benchmarks, standards, and potential indicators of academic and behavioral difficulties. Rather than wait for students to fail, schools provide research-based instruction within general education.
2. *Intervention.* Based on frequent progress monitoring, interventions are provided for general education students not progressing at a rate or level of achievement commensurate with their peers. These students are then selected to receive more intense interventions.
3. *Component of specific learning disability (SLD) determination.* The RtI² approach can be one component of SLD determination as addressed in the Individuals with Disabilities Education Act (IDEA) 2004 statute and regulations. The data from the RtI² process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

Implementation of RtI²

There are multiple ways to implement RtI². While there is variability in a tiered system, RtI² is generally viewed as a three-tier approach that uses research-based interventions. Instruction may be intensified based on individual student needs.

Figure 1 shows a commonly used tiered framework incorporating terminology used in program improvement efforts.

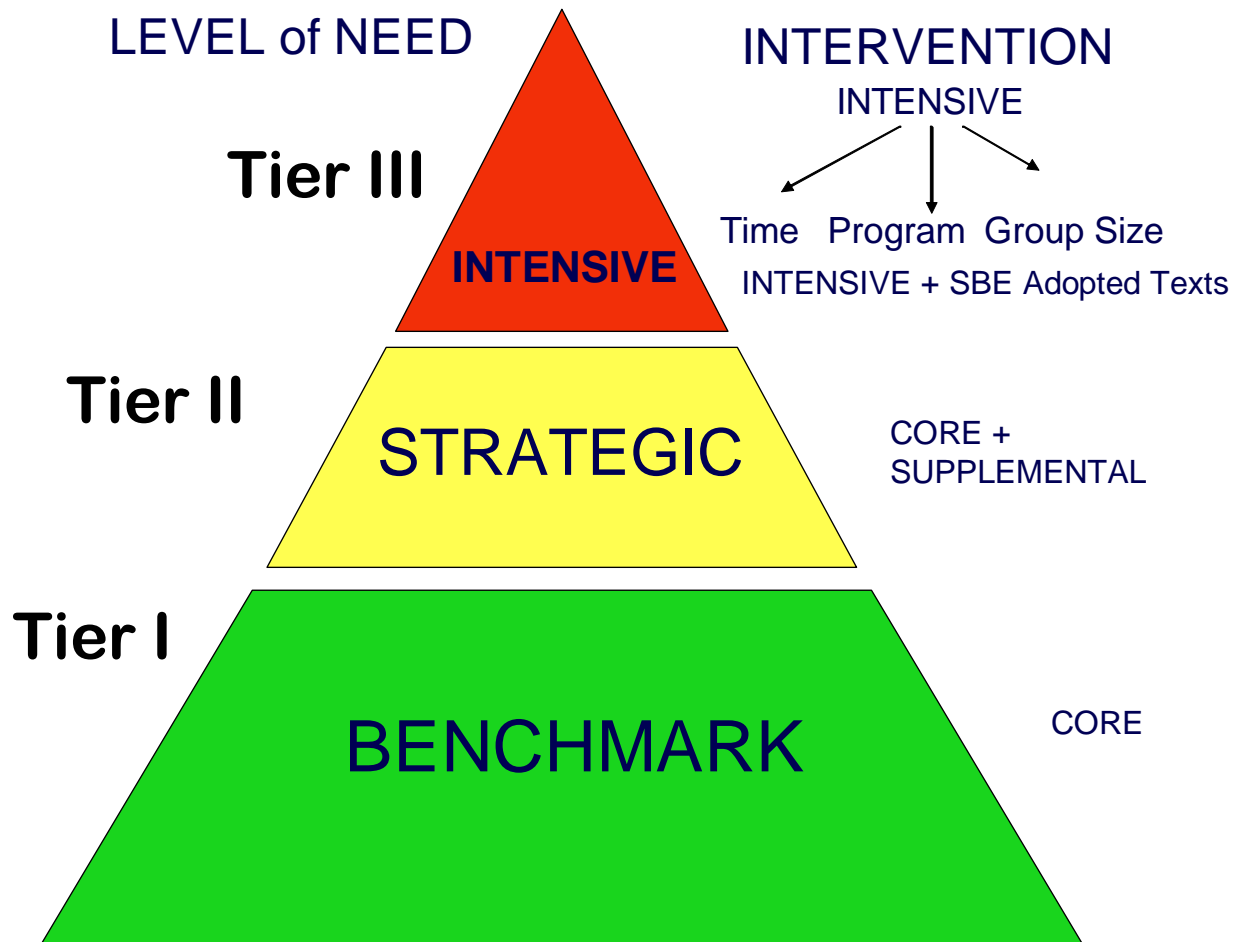


Figure 1

Tier I. Benchmark: Screening and Targeted Instruction

In Tier I, the focus is on a core instructional program that uses a scientifically validated curriculum with all students in the general education classroom. During the course of instruction, the school uses universal screening measures to identify each student's level of proficiency in key academic areas. The screening data are organized to enable the review of both group and individual performance on critical measures. Instruction is differentiated in response to this data for small groups and individual students. Students who continue to lag behind their peers despite the provision of targeted instruction may receive additional Tier I instruction or may be considered for more intensive interventions at Tier II.

Tier II. Strategic: Targeted Short-term Interventions

In Tier II, supplemental instruction is provided to those students who exhibit a poor response to the targeted instruction provided through Tier I. Tier II intervention is provided in addition to, and not in lieu of, core instruction and can be delivered through an individualized problem-solving approach and/or a standard treatment protocol. (Note:

Schools in Program Improvement are required to follow California State Board of Education [SBE] approved intervention regulations.) (See Figure 1.)

A problem-solving approach allows school teams to design individualized interventions to address the specific needs of each student. A standard treatment protocol uses a set of research-based practices to provide interventions in a systematic manner with all participating students who have similar needs. Such interventions are generally highly structured and have a high probability of producing positive results for large numbers of students.

Tier II supplemental interventions may be discontinued for students who improve in critical academic/behavioral measures as a result of the intervention. Some students may exhibit progress but continue to need Tier II supplemental supports. Those students who fail to display meaningful progress in spite of supplemental supports are considered for more intensive interventions in Tier III.

Tier III. Intensive: Interventions with Increased Intensity

In Tier III, students receive a greater degree of intensive interventions. Modifications in frequency, duration, or teacher-student ratio or all three are strategies to increase intensity. SBE-approved intervention programs based on research may serve as the core curriculum for students in this intensive level of intervention at fourth grade and above. As in Tier II, interventions are provided flexibly depending on the school site resources and careful blending of all interventions.

Nonresponders

Students who do not respond to those targeted interventions are referred for a comprehensive evaluation to determine eligibility for special education and related services under the category of Specific Learning Disability (SLD). The student's response to interventions, as reflected in the data collected during the RtI² process, is reviewed as part of the eligibility determination.

Principles of RtI²

The common principles of RtI² are as follows:

1. *We can effectively teach all students.* All RtI² practices are based on the assumption and belief that all students can learn. It is then the responsibility of school staff to identify the most effective curricular, instructional, and environmental conditions that enable learning and to provide the necessary resources to enable each student to learn.
2. *Use research-based, scientifically validated interventions/instruction.* The requirement to use scientifically based curricula and interventions in No Child Left Behind ensures that students are exposed to curriculum and teaching that has the greatest degree of effectiveness.
3. *Use assessment for three different purposes.* In an RtI² process, three types of assessments are used: (1) universal screening to determine which students need

closer monitoring, differentiated instruction, or a specific intervention; (2) progress monitoring to determine if interventions are producing the desired results; and (3) diagnostic tests to determine what students can and cannot achieve in important academic areas.

4. *Intervene early.* It is best to intervene early when problems are relatively small and before students lag further behind their peers.
5. *Use a multitier approach to intervention.* To achieve high rates of success for all students, instruction should be differentiated in both nature and intensity. A tiered model of intervention is an effective way to differentiate instruction.
6. *Monitor student progress to inform instruction.* The use of assessments that can be collected frequently and provide information regarding progress is important to determine the effectiveness of instruction and intervention.
7. *Use data to make decisions.* A data-based decision regarding student response to intervention is central to RtI² practices. Decisions in RtI² practice are based on the collective judgment of staff and parents who are directly informed by student performance data. This principle requires both ongoing data collection systems to be in place and the data to be used for making informed instructional decisions.

Chapter 2

Components of Rtl²

Rtl² begins with a tiered approach to quality research-based instruction and interventions implemented schoolwide. A unified approach to teaching the Rtl² process requires general educators and special educators, as well as other school personnel, to provide research-based interventions and differentiated instruction to those students who are performing below expected levels of achievement. The Rtl² approach to intervention requires school staff members to collaborate as a team to analyze data and target instruction based on student need.

An Rtl² approach, with its focus on student outcomes and quality instruction, increases accountability for all learners. Systemic change at the district, site, and classroom levels that impacts instruction, intervention, and identification is necessary due to the focus of Rtl² on prevention that begins in the general education classroom. A system implementing Rtl² promotes collaboration and shared responsibility for the learning of all students across all personnel and programs located in a given school (general education, teachers of English language learners, Title 1, special educators/related services providers, administrators, and parents).

Components of Organizational Change

Changing a school involves changes at the district level and the school site level.

District Leadership

Administrative support should accompany the implementation of an Rtl² approach. This support and commitment should be articulated to the staff along with financial resources necessary to provide:

- Training
- Data collection tools
- Materials
- Time for collaboration

Administrators should build awareness and understanding of the Rtl² process in their schools as well as ensure training that defines the Rtl² process, best practices for implementation, and the change in school culture necessary for success. Staff will understand how Rtl² relates to the mandates of No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act 2004 (IDEA).

Administrators should ensure frequent progress monitoring of student learning and behavior, which is central to a well-designed Rtl² process. Thus, it is essential to have a cost-effective and efficient data collection procedure that everyone can understand, access, and effectively use.

Administrators responsible for curriculum at the district level are ideally suited to work with staff members on the selection of research-based materials that need to be in place across all instructional programs. The California Department of Education (CDE) has a list of, scientific, research-based curricula adopted by the California State Board of Education (SBE) in the area of reading. Districts are mandated to use one or some of these published materials in their general education classrooms. Most, if not all, of these published reading programs have supplemental materials that may be used with students who are in need of additional support.

The district superintendent and school site administrators should provide guidance, adequate time, and support necessary to allow for ongoing collaborative teaming. This may involve a review of the caseload responsibilities for counselors, reading specialists, speech-language pathologists, psychologists, special educators, and paraeducators to accommodate their changing roles from individual instruction and evaluation to additional professional roles in collaboration, consultation, and modeling. Teams of educators and support staff (within and across grade levels) are responsible for reviewing student progress data and making recommendations for instructional practice.

School Site Leadership

The following core concepts of the Rtl² approach should be in place at the school site level in order for implementation to be successful:

- Implement scientific, research-based instruction and intervention.
- Conduct ongoing monitoring of progress that increases in frequency as students demonstrate greater educational need.
- Utilize data derived from multiple sources, including curriculum-based assessment, to inform instruction and intervention.
- Conduct staff development concerning the implementation of Rtl².
- Provide information to parents about the Rtl² process.

School site administrators provide leadership in all levels of the Rtl² process. They:

- Participate in and provide leadership to school site level teams within and across grade levels.
- Provide for the analysis of schoolwide and grade-level trends.
- Support the Rtl² approach in the school community and with parents.
- Provide support for assessment and instruction at all levels of intervention.
- Ensure the fidelity of instructional delivery through monitoring.

School site leadership teams:

- Examine schoolwide trends in behavior and academics that impact student growth.
- Develop a combined targeted intervention and problem-solving/decision-making process to address individual student needs.
- Support ongoing professional development.
- Provide a collaborative systemic approach for the analysis and use of student data.

- Provide a collaborative systemic approach to using scientific, research-based interventions found to be effective with students in the school.

Classroom teachers and support personnel will be part of grade-level teams that analyze:

- Progress-monitoring data to adjust instruction
- Instructional targets in the instructional planning process
- Data from shared assessments
- The fidelity of instructional implementation
- Individual student instructional needs, such as the need for more intensive instruction

All members of the school staff come together in an instructional delivery approach that uses data-based decision making through a problem-solving process involving school professionals and parents. This process involves supports for struggling students in the general education classroom first and careful analysis and communication of the data by the school site teams (within and across grade levels). Those teams will use data to make decisions about the application of interventions, including their intensity and duration across multiple tiers of intervention. All decisions are driven by data, including decisions such as effective instructional techniques, behavioral supports, appropriate early intervention services, use of research-based strategies, movement between tiers, and when to refer a student for additional assessment.

An example of a self-assessment tool is provided to assist schools and districts in determining their current status relative to implementation of a tiered Rtl² approach. (See Appendix A, Self-Assessment Tool.) This tool addresses the critical Rtl² components of student support and may be used to determine next steps in Rtl² implementation. It is important not only to gauge the current implementation status of each item, but also to determine its relative priority.

New and Expanding Roles

School personnel will play a number of important roles in using Rtl² to provide needed instruction to struggling students as well as assist in identifying students with learning disabilities. These new and expanding roles will require some fundamental changes in the way all educators engage in assessment and intervention activities. Titles may remain the same, but some roles will change in this unified system. Emerging roles may include data managers, team leaders, data specialists, diagnosticians, and intervention specialists. (Please see Appendix B for a more detailed description of the expanded roles.)

Administrators

It is essential to recognize the importance of leadership in effectively implementing the system changes that an Rtl² process requires. Administrators will have a critical role in the planning, implementation, and successful use of the Rtl² process. School site administrators will need to determine the necessary roles and competencies, existing

skill levels, and professional development requirements at their sites in order to provide relevant and ongoing training activities and effectively implement RtI².

Additionally, administrators will have to conduct a systematic assessment of the fidelity and integrity with which instruction and interventions are being provided. Working with educators, administrators will develop and utilize protocols for the assessment of fidelity and integrity of instruction and programs for individual students. Administrators will take responsibility for supporting ongoing professional development. The school site administrator assumes an active leadership role on the school site teams that review individual student progress and determine effective interventions. The administrator will ensure that adequate time is allocated for the planning, implementation, and review of the RtI² process.

At the district level, superintendents and school boards should be supportive of the changes necessary to implement an RtI² process. Effective RtI² implementation will require financial and human resources that will support the professional development and staffing necessary for successful implementation.

Curriculum administrators at the district level can assist with the selection of scientific research-based instructional and intervention materials; develop district-level training for principals, educators, and support providers; and ensure the fidelity and integrity of instruction in the classroom.

General Education Teachers

Successful implementation of RtI² depends on a unified approach to instruction that is supported by everyone in the school. (As schools and districts create and implement RtI² processes, general education teachers will be involved in supporting the learning of all students.) A key focus of support emphasizes prevention through early intervention. RtI² increases opportunities for teacher collaboration with other members of the educational team and brings timely and relevant supports into classrooms.

General education teachers will work in site-level teams (within and across grade levels) to identify specific student needs using data to make informed decisions that guide instruction for each student. Those teams will use data in an ongoing process for strategic student intervention groupings. Academic and/or behavioral data, collected by grade-level teams, is analyzed throughout the RtI² process to measure a pattern of response to high-quality interventions.

Special Education Teachers

Special education teachers have unique skills that can be used to enhance the learning of all students. With an RtI² approach, special educators will have increased opportunities to work with colleagues and students in many different settings. Special education teachers will work as members of site-level teams (within and across grade levels) to identify specific student needs by using data to make informed decisions that guide instruction for each student. Special education teachers will use their specialized

knowledge to individualize instruction, build skills, and recommend programs that will meet the needs of individual students.

The student's progression through interventions may suggest the need for more individualized instruction, behavioral intervention, and/or learning supports than are available in the general education curriculum/setting. Special education teachers will be part of a comprehensive evaluation team that gathers student data in order to determine eligibility for special education. Special education teachers working with students identified as having a learning disability and needing special education services will engage in ongoing assessment of those students in order to adjust instruction accordingly.

Reading Specialists/Coaches

Reading intervention specialists/coaches offer expertise at many levels of RtI² implementation, from systemwide program design through specific assessment and intervention efforts with the individual student. As members of the collaborative team, reading specialists/coaches will play an integral role in the implementation of the schoolwide RtI² process. Reading specialists/coaches will be part of intervention and evaluation teams through indirect as well as direct service delivery.

Speech-Language Pathologists

Speech-language pathologists (SLPs) can play a number of roles in an RtI² process and provide needed supports to students in both general education and special education settings. The roles will require some fundamental changes in the way that SLPs engage in assessment and intervention activities. SLPs should expand their practice to incorporate prevention and identification of at-risk students who could benefit from speech and language-based interventions as part of the RtI² process at the school.

SLPs have expertise specifically in normal, delayed, and disordered development of speech and language skills, which are key to academic and behavioral difficulties. RtI² is specifically intended to assist students with academic challenges in literacy as well as behavioral difficulties. The SLP's knowledge of literacy and language-based issues can provide needed and necessary assistance to struggling learners who require intervention but may not be disabled. In an RtI² model, SLPs will provide both direct and indirect services to the school team and to students with those types of challenges.

By working both inside and outside the special education system, SLPs can contribute to the overall school program. Some SLPs are using the RtI² process to provide speech-only interventions to students with single-sound articulation difficulties and to provide specific interventions to students in need of such services. More specifically, the SLP's expertise will be most beneficial to schools and students in the areas of oral language development, academic literacy, and social skills training.

SLPs are qualified to contribute in a variety of ways in prereferral interventions, systemwide program design, assessment, intervention, collaboration with colleagues, and directed support of students. They offer expertise in the language basis of literacy

and learning, experience with collaborative approaches to instruction/intervention, and an understanding of the use of student outcomes data when instructional decisions are made.

School Psychologists

School psychologists can offer expertise at many levels, from systemwide program design through specific assessment and intervention efforts with individual students.

School psychologists help develop, implement, and evaluate new models of service delivery.

School psychologists will support the implementation of evidence-based intervention strategies, progress-monitoring methods, problem-solving models, evaluation of instructional and program outcomes, and ecological assessment procedures, directly and indirectly. Their training in assessment is useful to the implementation of technically sound screening and progress-monitoring procedures and the appropriate use of such data. School psychologists also have knowledge regarding program evaluation and understanding of research methods, which will be useful in the development, implementation, and evaluation of evidence-based interventions. Their knowledge of child development, behavior, and principles of learning, coupled with their consultation skills, enables them to be effective members of intervention teams.

In addition to working with other school personnel to consider programmatic options, they plan and conduct comprehensive evaluations to determine eligibility for special education services and the educational needs of the students they serve.

School Counselors

School counselors bring several important skills to the RtI² process. They have a unique central position in the school in that they are involved with the whole school experience/environment. They are aware of the totality of programs and interventions in their school and have ongoing relationships with all the teachers, students, and parents on their caseloads.

The school counselor has skills in communication/consultation that are critical to an effective RtI² process. They can act as catalysts to facilitate the RtI² process. School counselors' skills in collaboration, problem solving, and consultation will be needed to maintain focus on student needs and the development of effective interventions.

The school counselor's knowledge of child development and the field's emphasis on working with the whole child will be invaluable in developing research-based interventions in the area of social–emotional learning.

Paraeducators

Paraeducators play an important role in the delivery of interventions to students. As one of the providers of research-based interventions, paraeducators assist general and

special educators in providing supplemental and specialized instruction to students. With direction and support from the schoolwide team effort, paraeducators work with students in small groups and, in some cases, one-on-one to provide research-based interventions and individualized instruction. They collaborate with other school personnel, such as general education teachers, in data collection and analysis. They perform classroom observations in order to provide relevant information regarding student performance and behavior. Paraeducators participate on school site teams that analyze academic and behavioral data and make decisions. Progress monitoring will measure patterns of response to interventions resulting in positive student outcomes.

Parents and Caregivers

Parent engagement is a key component of a strong RtI² process. Active involvement of parents contributes greatly to improving student outcomes. Parents should be engaged in all aspects of RtI². Schools need to inform parents in their native language and/or mode of communication of the RtI² process and ensure that they understand how data will be gathered and used. Parents should be encouraged to actively participate in the RtI² process and regularly informed of how their child is responding to interventions. Parents should also have an opportunity to make suggestions and receive access to written intervention plans with details about how the school is helping their student.

Professional Development

Effective implementation of an RtI² process requires that professional development needs are examined so that administrators, teachers, support personnel, and paraeducators possess the requisite skills to implement effective RtI². Successful implementation of RtI² depends on the ability of all educators, including paraprofessionals and other specialists, to use RtI² practices reliably and with fidelity. The reliability and validity with which RtI² practices are implemented will be determined, to a great extent, by the quality of both the preservice and in-service professional development models used to translate research into effective practice. In-service professional development needs to occur both within and across administrative structures at the state, district, and site levels.

In a tiered intervention model, teachers should implement a wide variety of instructional strategies and conduct ongoing assessment of student progress as a part of their instructional practice. When an effective RtI² program is implemented, professional development decisions should be linked to ongoing assessment and student need. Subsequent professional development should be geared toward meeting these identified needs. Teachers will be challenged to examine current practices, hone existing skills, and acquire new knowledge and skills to ensure high-quality targeted instruction. An emphasis on early intervention for preventing school failure is part of an RtI² approach.

It is vital to offer continuing, job-embedded professional development that addresses relevant areas essential to effective implementation of RtI² and improved student outcomes. Teachers should have opportunities to participate in focused, quality,

ongoing professional development relating to RtI² processes, procedures, and practices. Based upon identified need, key training issues should include:

- The effective use of screening tools to identify those students who may be at risk of learning difficulties
- Data analysis skills related to screening and placement
- Targeted instructional strategies related to data analysis
- Research-based instructional practices
- Differentiated instruction for a diverse classroom
- Ongoing curriculum-based data collection and analysis
- Evidence-based intervention strategies for both academic and behavior issues
- Progress-monitoring processes and procedures
- Problem-solving methods to facilitate instructional decisions based on data
- Professional collaboration skills
- Appropriate use of accommodations for students with disabilities
- Schoolwide and individual behavior management and intervention strategies
- Intensive intervention program training
- Standards-based Individualized Education Program (IEP) implementation
- Effective inclusion of students with disabilities in a tiered intervention model

All teachers and specialists involved in providing instruction to students should have the opportunity to participate in ongoing, job-embedded professional development that will support effective research-based instruction with the RtI² approach. The California Legislature has created funding for teachers and instructional aides or paraprofessionals teaching math and reading or directly assisting with instruction in math or reading to receive intensive training on the use of the SBE-approved core curriculum (*EC 99230 et seq.*). Special education teachers and paraprofessionals who provide instructional support to students in the core curriculum should also be included in this training along with their general education colleagues. All educators should be trained in the district-adopted intervention program in order to effectively meet the needs of students in the tiered intervention model.

Conclusion

Effective RtI² implementation is based on the belief that everyone is responsible for student learning. The instructional activities, assessment, data gathering and analysis, documentation, and collaboration required for RtI² implementation will create new challenges for all education professionals. All educators will need to compile relevant assessment data through continuous progress monitoring and respond appropriately to the findings. School site teams will design, interpret, and assess data as well as suggest instructional approaches. By providing more intensive interventions, educators will utilize a variety of scientific, research-based methods and materials. Administrators will determine needed roles and competencies, existing skill levels, and professional development requirements in order to provide relevant and ongoing training activities in these critical areas.

Chapter 3

Use of Rtl² Data in the SLD Eligibility Process

The results of collaboration between education professionals through the schoolwide Rtl² process can be useful in the determination of special education eligibility under the category of specific learning disability (SLD). Students identified as eligible for special education continue to be a schoolwide shared responsibility. The definition of an SLD, and the requirements for eligibility as defined in the Individuals with Disabilities Education Act (IDEA) 2004, can be found in Appendix C. The regulations themselves are not presented in this section. It is worthwhile to review the elements of the eligibility criteria as set out in Section 300.309 of the IDEA regulations (34 *Code of Federal Regulations* 300.309).

There are three subclauses in 34 *CFR* 300.309. The (a) clause:

- (1) addresses low achievement;
- (2) addresses using either (i) a response to intervention approach or (ii) a pattern of strengths and weaknesses approach to further suggest the possible presence of a specific learning disability; and
- (3) addresses the exclusionary clause (that findings under (a)(1) and (a)(2) are not the primary result of a variety of other issues).

The (b) clause addresses the need to ensure that the student has had appropriate instruction (this in addition to exclusionary clause) and that progress during instruction has been documented and provided to the child's parents.

The (c) clause states that if the requirements of (a) and (b) are met or the child is referred for an evaluation, then the public agency must promptly request parental consent to evaluate the child to see if he or she qualifies as a student with an SLD and needs special education. **Therefore, if a student met the criteria in 34 *CFR* 300.309 (a) and (b), the need for a comprehensive evaluation to determine eligibility would be established.**

An Rtl² process may yield information in the following five key areas:

- Low achievement
- Lack of progress
- Role of exclusionary factors
- Determination that the student has received appropriate instruction
- Need for special education and related services

In addition, a district should also include insight into individual performance through formative measures, curriculum-based measures, teacher observations, and parent reports.

This section expands on those areas and provides information as to what data might be generated through an RtI² process that may be helpful in addressing each of those areas.

It is important to clarify that this section does not address the entire process for identifying a student as qualifying for special education services under the eligibility category of SLD. Meeting the criteria outlined in 34 *CFR* 300.309 requires **a comprehensive evaluation and consideration of special education eligibility**. The U.S. Department of Education (USDOE) Office of Special Education and Rehabilitative Services (OSERS) remarked in comments accompanying the regulations in Section 300.304 that the public agency may not use any single procedure as the sole criterion for determining whether a child is a child with a disability.

In addition, USDOE Office of Special Education Programs (OSEP) states in its presentation, “Building the Legacy: IDEA 2004”, that a comprehensive evaluation for identifying an SLD must:

- Not be replaced by an RtI² process.
- Use a variety of data-gathering tools and strategies even if RtI² is used.
- May include the results of RtI² as one component of the information reviewed.
- Not rely on a single procedure as the sole criterion for determining eligibility.

Those statements from the USDOE, OSEP, reinforce the requirement of a comprehensive evaluation to determine whether a student is eligible for special education services under the category of SLD. Guidelines regarding a comprehensive evaluation refer to all students suspected of qualifying for special education services and are contained in 34 *CFR* 300.304 and Section 1414 of the Act. This section of the report addresses how information from an RtI² process can be a useful component of the comprehensive evaluation.

Parental involvement is essential throughout the RtI² and eligibility determination process. Such involvement includes not only seeking information from parents in regard to their student’s strengths and weaknesses, but also involving parents in the intervention process.

Five Key Areas in the Identification Process

Key Area #1: Low Achievement

All students are expected to meet age- or grade-level standards. Lack of achievement or low achievement is often the first indicator of possible learning difficulties. Data gathered through the RtI² process can assist in determining if these difficulties are due to the presence of an SLD. Benchmark assessment data are typically collected several times each year. Progress-monitoring data are collected more frequently. Both types can be used to inform the eligibility decision. Students with an SLD typically fail to meet specific academic targets.

Students with SLDs will not have the expected response to targeted interventions. Thus, they fail to make significant improvement when provided with appropriate intervention and will continue to demonstrate low achievement at the conclusion of intervention periods. The progress-monitoring data collected during the RtI² process will assist in identifying the overall effectiveness of the intervention for each student. General outcome and mastery measures will show low achievement for a student with an SLD when he/she is compared with his/her peers. These measures should substantiate that the skill level of the student suspected of having an SLD does not support the student's ability to acquire and/or demonstrate age/grade-level appropriate standards-based skills in one or more of the areas listed in 34 *CFR* 300.309(a)(1).

It is recommended that evidence of low achievement be obtained by examining several sources. For example, performance on the California Standards Test (CST) below the basic level could be one indicator of lack of achievement. Use of locally normed measures as well as nationally normed achievement measures may also be considered in determining low achievement.

Key Area #2: Lack of Progress

Progress Monitoring in RTI² Processes

One of the most important contributions of RTI² is providing information regarding a student's ongoing academic progress toward specific targeted skills. With an RTI² approach, all students' progress is monitored regularly and some students more frequently. The data generated by progress monitoring are useful for determining whether a given instructional intervention and strategy is successful with a given population or a particular student. The data can guide decisions not only about instructional practices, but also about eligibility for special education.

Progress-Monitoring Frequency

Benchmark assessments are administered to **all** students on a regular basis. These data allow a school to determine if its curriculum and instruction are effective for most students and to set benchmarks of expected progress. These assessments provide a means of selecting students at risk of academic failure by identifying those who are achieving below their peers or who are not meeting predetermined benchmarks.

Students who are identified through a regular screening process and provided with an intervention are monitored more frequently than students who are progressing adequately within the general education curriculum. The rate of progress monitoring will depend on the level of intervention. General recommendations are as follows:

- For students who receive additional support at **Tier I**, their progress should be monitored one to two times per month.
- For students who receive more intense services such as the supplemental support services provided at **Tier II**, weekly progress monitoring is more appropriate.
- For students who receive **Tier III** services, twice a week may be an appropriate level of progress monitoring.

Monitoring of groups of students who are receiving an intervention provides information on the effectiveness of a given intervention for a particular group of students. For individual students, it provides a measure of the effectiveness of an intervention.

Comparing Student Progress

Progress-monitoring data from an RTI² approach yield at least three sets of data: rate of growth for the average student who does not need intervention services; rate of growth for the average student receiving an intervention (whether Tier I, II, or III); and rate of growth for the student in question. Those three sets of data allow the multidisciplinary team to determine first whether the instruction (whole class or grade) or intervention (small group) is successful for the struggling student's peers. If the rate of growth for those students who do not receive an intervention, or the small group of students who receive an intervention, is less than expected, then the team must question whether the target student's poor growth rate is a function of a learning disability or is due to a mismatch between the curricula and the needs of the students. Thus, group data,

whether whole school or intervention group, provide a baseline against which an individual student's progress can be compared.

Evaluating Individual Student Progress

A target student's rate of growth can also be compared to other measures in addition to that of his or her peers. For example, rate of growth can be analyzed to determine if a student will reach a predetermined goal if he or she continues to achieve at the same rate of growth. There are also national norms for expected rate of growth in a variety of fluency measures commonly used for progress monitoring, such as letter naming, phonemic segmentation and passage reading. These can be used to set a target growth rate.

Measures for Progress Monitoring

There are two primary types of measures commonly used in progress monitoring: mastery and general outcome.

Mastery measures. These assessments are often embedded in the curriculum and are designed to assess how well a student has mastered a particular portion of the curriculum. These types of measures, which target a particular skill (learning short vowels, learning single-digit addition), are frequently referred to as *mastery measures* because they are designed to determine whether a student has sufficiently mastered a given segment of the curriculum and is ready to learn a new skill. They are also useful for teachers to determine which skills a student or group of students is lacking. Thus, a teacher is able to use the information from these assessments to differentiate instruction in order to more adequately meet the needs of his or her students. Mastery measurements may also be assessments that are not embedded in the curriculum but are designed by teachers or others in order to assess certain skills.

General outcome measures. In contrast to mastery measures that focus on one or two particular skills, general outcome measures comprise all the skills a student is expected to know by the end of the year. In essence, they are designed for repeated sampling of the same task. For example, a general outcome measure in math would include problems from the entire year's curriculum. In reading, text passages of equal difficulty or word lists that included all the types of words to be learned would be used for assessment. Curriculum-based measurement (CBM) is a form of general outcome measure that is commonly used in RtI² approaches. In addition to focusing on the entire year's curriculum, CBM measures also stress fluency. They are measures of short duration that can be administered quickly and easily. Perhaps the most familiar form of CBM is the use of short reading passages to assess how many words a student can read in one minute. Because these measures are not tied to a particular curriculum or intervention, they can be used across interventions to determine if a student makes more progress with one intervention versus another. In addition, they are quick and easy to administer and can be administered as often as needed. These data can be displayed graphically, are easily compared to those of other students, and are easy for parents and teachers to understand.

Benchmark assessments. Benchmark assessments can be used to determine if a student is on target to meet grade-level standards.

Using the Data in Decision Making

With an RTI² process, progress-monitoring data can help to answer the following questions:

- Is the general education curriculum effective for most students?
- Which of the students are not responding sufficiently to the general education curriculum?
- Is targeted intervention effective for most students (or a particular student's peers)?
- Has a particular student made sufficient progress when provided with a range of interventions directed toward targeted skills?

All of these questions are relevant in considering whether a student is eligible for special education services as a student with an SLD.

Additional Requirements

Parental involvement. 34 CFR 300.309(b)(2) states that there must be documentation of regular progress monitoring that is shared with parents.

Dual discrepancy. Progress-monitoring data provide two important sources of information to consider when a teacher determines whether a student needs more intensive services. First, it provides information as to the rate of growth a student is achieving in response to an intervention. Second, it provides a level of achievement to measure that student's current status. A student may need more intensive services if he or she is both well below peers and not sufficiently responding to the current level of intervention.

Following are some useful resources and materials for learning more about progress monitoring:

- CBM and NCLB <http://www.ed.gov/offices/OESE/SASA/aypstr/index.html>
- Training materials/probes www.interventioncentral.org
- CBM Web site List <http://www.luc.edu/schools/education/c487/lap/velde.htm>
- University of Oregon – Dibels <http://dibels.uoregon.edu> and www.idea.uoregon.edu
- Florida Project <http://sss.usf.edu/cbm/cbm.htm>
- Excellent general site www.studentprogress.org
- *The ABCs of CBM* by Hosp, Hosp, and Howell (2007)
- NASDSE publication on Rtl² www.nasdse.org
- Training site for progress monitoring <http://iris.peabody.vanderbilt.edu/onlinemodules.html>
- DIBELS at dibels@uoregon.edu

Key Area #3: Role of Exclusionary Factors

A number of exclusionary factors must also be considered when a determination of an SLD is made. Learning difficulties or lack of progress may not primarily be the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited-English proficiency (34 *CFR* 300.309[a][3]). Thus, the presence of one or more of those factors may account for low or underachievement rather than a learning disability. RtI² data are particularly useful in addressing some of these factors, including cultural factors, environmental/economic disadvantage, and limited English proficiency.

Appropriate instruction for students from diverse backgrounds must also be culturally responsive. Culturally responsive instruction is a key element for student success. Ideally, the intervention should provide data substantiating its effectiveness with culturally diverse, limited-English proficient, and/or environmentally/economically disadvantaged students. Alternatively, local data could be gathered to determine the effectiveness of intervention programs and strategies for an identified group of students.

The target student's progress-monitoring data can be compared to that of similar students or to predetermined targets when provided with interventions that have been shown to be effective with culturally diverse, limited-English proficient, and/or environmentally/economically disadvantaged students. Data may reveal that students with SLDs fail to achieve at the same rate and/or level as their peers.

A comprehensive evaluation that includes data from other sources will also be necessary to assist in determining the presence of exclusionary factors.

Key Area #4: Appropriate Instruction

IDEA 2004 echoes the emphasis in No Child Left Behind (NCLB) that all students should be provided with research-based curriculum. In 34 *CFR* 300.309(b), the law requires the group making the eligibility determination to consider whether a student has received appropriate instruction by qualified personnel and documentation of student progress during instruction. A foundation of an RtI² approach is the provision of research-based curricula provided by trained personnel.

In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is--(A) lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); (B) lack of instruction in math; or (C) limited English proficiency. (20 U.S.C. 1414[b][5]).

Progress-Monitoring Data

Progress-monitoring data allow a school or district to determine if a curriculum is appropriate for its population. It is expected that most students will learn when provided with the general education curriculum as verified by progress-monitoring data. Similarly, progress-monitoring data obtained during targeted intervention will reflect the effectiveness of the intervention for students with similar needs. As noted previously in “Key Area #2: Lack of Progress,” if an intervention is ineffective for most students, then the source of difficulty may be the intervention strategy or a system or implementation issue rather than learning problems inherent in the target student.

Intervention Fidelity

In addition to progress-monitoring data that will verify the effectiveness of instruction and intervention, most RtI² approaches suggest that it is important to ensure intervention fidelity. Mechanisms need to be in place to ensure that a research-based intervention is being administered as intended. Regularly scheduled intervention fidelity monitoring can include intervention-specific checklists, self-reports, classroom observations, and observations that are components of the research-based intervention.

Documentation

Equally important is documentation that the intervention was administered for an appropriate duration (an appropriate amount of instructional minutes was provided) and that the student was present for the intervention.

Key Area #5: Need for Special Education

According to 34 *CFR* 300.101(c), each state must ensure that a free and appropriate public education (FAPE) is available to any individual child with a disability who needs special education and related services even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

Progress-monitoring data collected during the RtI² process can assist in determining if the student requires special education services. A student may be in need of special education services if the Individualized Education Program (IEP) team determines one or more of the following:

1. Lack of progress evident across multiple interventions applied with increasing levels of intensity. This may be indicated if the student:
 - a. Fails to make progress or makes only minimal progress toward age- or grade-level standards
 - b. Fails to show progress despite appropriate intervention
 - c. Requires highly specialized or more intensive services to make progress
2. A student requires resources or supports that are generally not available in the general education environment in order to support or sustain progress.
3. Observations of student performance in the general education environment may indicate the need for special education services. Students in need of special education services will have difficulty demonstrating the academic skills necessary for success in the general education environment. These students will need a significant level of support to participate in age- or grade-level curriculum.

Appendix A

Components to Ensure Success in Rtl: A Self-assessment Tool

This self-assessment tool is intended to assist schools/districts in determining their current status relative to implementation of a tiered **Response to Instruction and Intervention (RtI²)** approach in order to improve educational outcomes for *all* students. This tool addresses the critical components in an RtI² approach of student support and may be used to determine next steps in RtI² implementation. It is important not only to gauge the current implementation status of each item, but to also determine its relative priority.

	Current level of implementation: 1= None 2= Some or beginning stages 3= Most or advanced stages 4= All or completed	Priority level 1= No 2= Medium 3= High	Comments: What does that mean for your school? What resources are required to achieve this?
General Education Curriculum			
All teachers are effectively trained in the curriculum standards for the grade level and content area in which they teach. (Senate Bill 472 training)			
State curriculum standards are implemented as designed in each content area.			
All teachers are effectively trained in the utilization of intervention components and instructional strategies of the core curriculum.			
Teachers have a thorough understanding and knowledge of the principles and strategies of differentiated instruction.			
Instruction is differentiated by content, process, product, and learning environment on a consistent and ongoing basis.			
Schoolwide universal screening is conducted for all students (i.e., current curriculum entry-level assessments and/or screening tools).			
Grade-level teams of teachers have been established to use data to plan instruction, strategically group students for targeted instruction, and make educational decisions.			
Teachers effectively utilize collaboration time to analyze curriculum-based data and adapt instruction.			

Appendix A

Components to Ensure Success in Rtl: A Self-assessment Tool

	Current level of implementation: 1= None 2= Some or beginning stages 3= Most or advanced stages 4= All or completed	Priority level 1= No 2= Medium 3= High	Comments: What does that mean for your school? What resources are required to achieve this?
A process is in place to ensure the curriculum is implemented with integrity and fidelity.			
<i>Progress Monitoring</i>			
Curriculum-based assessment/measurement (CBA/M) is used frequently to assess student progress.			
Teachers are trained in the use of CBA/M to evaluate student learning.			
Teachers have CBA/M tools available to them in their content area and at the appropriate grade level.			
Teachers understand how to analyze, chart, and interpret data.			
Teachers utilize data from ongoing CBA/M to make instructional decisions on a daily or weekly basis.			
Teachers increase the frequency of progress monitoring as students receive more intensive instruction.			
<i>Research-Based Strategies</i>			
All teachers are effectively trained in multiple research-based intervention strategies and demonstrate the ability to implement them in the classroom.			
All teachers implement research-based intervention strategies in their classroom with integrity and fidelity.			
A process is in place to ensure research-based intervention strategies are implemented with integrity and fidelity.			
<i>Standard Protocol Interventions</i>			
The school has in place standard protocol interventions designed to address common and/or frequent learning or behavior problems.			

Appendix A

Components to Ensure Success in Rtl: A Self-assessment Tool

	Current level of implementation: 1= None 2= Some or beginning stages 3= Most or advanced stages 4= All or completed	Priority level 1= No 2= Medium 3= High	Comments: What does that mean for your school? What resources are required to achieve this?
Grade-level teams utilize the standard protocol to provide interventions based on student needs and on the data.			
Flexible scheduling for students and staff is utilized to enable student access to standard protocols.			
Job responsibilities have been restructured to enable student access to appropriate interventions.			
Grade-level teams utilize a targeted intervention approach to address individual student needs.			
School site uses specific criteria and data to optimize decisions about movement through the tiers.			
Teachers understand criteria and site-level processes for identifying students for more intense instructional support and intervention.			
Site Level Administrative Factors			
Site level administrators inform all stakeholders and staff, including parents, in the beginning of the school year about the role and benefits of Rtl ² .			
The school schedule is designed to provide for flexibility and restructuring of resources to meet student needs.			
Resources and training are provided to implement an effective Rtl ² approach.			
Various strategies including walk-throughs, extended observations, teacher conferences, lesson plan evaluations, and others, are used to monitor implementation of research-based strategies.			
A variety of resources are identified and provided to address deficit areas in curriculum, behavior management, and instructional strategies.			

Appendix A

Components to Ensure Success in Rtl: A Self-assessment Tool

	Current level of implementation: 1= None 2= Some or beginning stages 3= Most or advanced stages 4= All or completed	Priority level 1= No 2= Medium 3= High	Comments: What does that mean for your school? What resources are required to achieve this?
Teachers are provided with time and incentives for collaboration, professional growth, and staff development.			
Partnerships are formed with local organizations (colleges, retired teacher associations, senior groups) for programs that directly affect teacher training and student performance.			
School and class data are utilized to determine areas of need for support and professional development.			
Adequate and appropriate resources to address identified needs are provided to the staff.			
Administrators examine professional development needs teachers, related services personnel possess the requisite skills, instructional skills, and maintain and use data to support instructional decisions. (SB 472 training)			
Funding and support is available for ongoing professional development to support Rtl ² to include follow-up job-embedded training for extended period of time.			
Regularly scheduled meetings are available for grade-level teams to review student progress and determine area of need.			
Parental Involvement			
Staff members utilize parent interviews, questionnaires, student records, previous teachers, and all other available resources to learn about students and the factors that may contribute to their learning and/or behavior problems.			
Staff members utilize understanding of cultural differences to form relationships with parents and students and guide instruction.			
Parents are notified and regularly informed of student progress, specific skills addressed, and interventions to be provided to their student using graphic representation.			

Appendix A

Components to Ensure Success in Rtl: A Self-assessment Tool

	Current level of implementation: 1= None 2= Some or beginning stages 3= Most or advanced stages 4= All or completed	Priority level 1= No 2= Medium 3= High	Comments: What does that mean for your school? What resources are required to achieve this?
School staff members serve as liaisons to parents by helping them understand the Rtl ² approach and the impact on their student.			
School staff members consider native language, mode of communication, and cultural sensitivity when informing families.			

Source: W. N. Bender and C. Shores, *Response to Intervention: A Practical Guide for Every Teacher*. Thousand Oaks, CA: Corwin Press, 2007.

Appendix B

Changing Roles in an Rtl² Process

Instituting Rtl² means schoolwide changes have to be made. The leadership must be ready to take new roles.

Role of Site Administrators

The school principal's support of the district initiative to implement Rtl² is essential. At the school site level, collaboration with all staff members (general education, categorical programs, special education, and support staff) is essential. This collaboration will lead to the development of:

- Professional development activities that meet the needs of teachers, specialists and paraprofessionals (beliefs, attitudes and knowledge, and skill)
- Universal screening and frequent progress monitoring of specific skills necessary for student success
- School site teams (within and across grade levels) to address student needs
- A commitment to fidelity of instruction using research-based materials
- A process to allocate staff resources to meet student needs
- Integrity of the tiered process
- Management of and access to the data collection process

Additionally, administrators will have to conduct a systematic assessment of the fidelity and integrity with which instruction and interventions are being conducted. Working with educators, administrators should develop and utilize protocols for the assessment of fidelity and integrity of instruction and programs for individual students. Administrators should take responsibility for supporting ongoing professional development. The school site administrator assumes an active leadership role on the school site teams reviewing individual student progress and determining effective interventions. The administrator should ensure that adequate time is allocated for the planning, implementation, and review of Rtl² process.

Role of General Educators

As the primary providers of core instruction, general educators will:

- Deliver quality standards-based instruction with fidelity to all students.
- Engage in ongoing collaboration to address small-group and individual student needs.
- Collaborate with other school personnel in data collection and analysis.
- Participate in regularly scheduled progress-monitoring meetings.
- Communicate and collaborate with parents by helping them understand the new approach and how it impacts their students.
- Ensure that parent participation is integrated into each tier of intervention and subsequent evaluation.

- Provide Tier I and Tier II intervention for at-risk students at their grade level, effectively utilizing core curriculum components and research-based supplemental materials based on identified student needs.
- Participate on school site teams (within and across grade levels) to analyze data and target instruction.
- Demonstrate an understanding and knowledge of the principles and strategies of differentiated instruction.
- Utilize instructional strategies to teach content that is pertinent, relevant, and meaningful.
- Compile relevant assessment data through continual progress monitoring and respond appropriately to the findings.

Role of Special Educators

As a provider of supplemental and specialized instruction that supports standards-based instruction, special educators will:

- Deliver quality standards-based instruction with fidelity to students.
- Engage in ongoing collaboration to address small-group and individual student needs.
- Collaborate with other school personnel in data collection and analysis.
- Participate in regularly scheduled progress-monitoring meetings.
- Communicate and collaborate with parents by helping them understand the new approach and how it impacts their students.
- Ensure that parent participation is integrated into each tier of intervention and subsequent evaluation.
- Provide Tier I and Tier II consultation and intervention for at-risk students, effectively utilizing core curriculum components and research-based supplemental materials based on identified student needs if the school has a School-Based Coordination Program with an approved school site plan.
- Participate on school site teams (within and across grade levels) to analyze data and target instruction.
- Demonstrate an understanding and knowledge of the principles and strategies of differentiated instruction.
- Utilize instructional strategies to teach pertinent, relevant, and meaningful content.
- Compile relevant assessment data through continual progress monitoring and respond appropriately to the findings.

Role of Speech-Language Pathologists

In addition to providing services to students with speech and language impairments, speech-language pathologists will:

- Describe the role that language plays in curriculum, assessments, and instruction.
- Define the connection between oral and written language.
- Identify and analyze evidence-based research and interventions.
- Assist school site teams in understanding typical language development.
- Conduct training sessions on the relationship of language to learning.

- Collaborate with school site teams on language screening, focusing on language-related issues involved in learning, literacy, and intervention implementation.
- Interpret and explain screening and intervention results to families.
- Participate in progress monitoring and analysis of student outcomes.
- Identify, use, and disseminate evidence-based practices for speech and language strategies used as RtI² interventions at all tiers.

Role of School Psychologists

School psychologists can offer expertise at many levels, from systemwide program design through specific assessment and intervention efforts with the individual students.

School psychologists help develop, implement, and evaluate new approaches to service delivery. School psychologists will:

- Identify and analyze existing literature on problem solving and RtI² in order to determine relevant and effective approaches for the school district.
- Work with teams to identify stakeholders and key leaders to facilitate system change.
- Conduct needs assessments to identify potential obstacles, concerns, and initial training needs.
- Plan and conduct necessary staff training (on research-based instructional interventions and how to evaluate student progress)
- Develop local norms for academic achievement (curriculum-based measures and other measures of student progress) and monitor the reliability and validity of these norms over time.
- Implement and evaluate RtI² practices.

School psychologists will seek ways to improve skills in evidence-based intervention strategies, progress-monitoring methods, designing problem-solving models, evaluating instructional and program outcomes, and conducting ecological assessment procedures.

The expertise and support of school psychologists will be needed in the effective implementation of the tiered RtI² interventions. School psychologists work with other school personnel to consider programmatic options, planning and conducting comprehensive evaluations to determine eligibility for special education services and the educational needs of the students they serve. School psychologists will also:

- Assist teachers with evidence-based instruction, behavioral interventions, screening of literacy skills, and criteria for evaluating academic progress.
- Participate on district curriculum committees to identify curricula and programs that adhere to research-based recommendations.
- Consult with teachers regarding the phases of instruction (planning, managing, delivering, and evaluating).
- Consult with administrators regarding the assessment system and valid data collection using tools that yield reliable and valid data.
- Assist in analyzing data and interpreting scores.

- Collaborate with educators to design and implement effective, research-based strategies.
- Share knowledge about various assessment systems and approaches.
- Consult with educators and conduct assessments to identify the area in which small-group academic interventions should occur and how to interpret the data.
- Assist in monitoring students who do not adequately respond to interventions.

Role of Paraeducators

Paraeducators will:

- Provide researched-based interventions and assist in the provision of supplemental and specialized instruction to students.
- Deliver quality standards-based instruction with fidelity to all students.
- Engage in ongoing collaboration to address small-group and individual student needs.
- Work with students in small groups and in some cases, one-on-one, to provide research-based intervention and individualized instruction.
- Collaborate with other school personnel in data collection and analysis.
- Perform classroom observations in order to provide relevant information regarding student performance and behavior.
- Participate in regularly scheduled progress-monitoring meetings.
- Assist in analyzing academic and behavioral data and participate in the decision-making process.

Role of Reading Specialist/Coach

Reading specialists/coaches will:

- Select, design, implement, and interpret whole-school screening programs and dynamic assessments that provide early intervention services for all students considered to be at risk and to identify “false positives,” those not truly at risk.
- Design instructional assessment models at all tier levels.
- Monitor instructional effectiveness at all tier levels.
- Design and implement a process for progress monitoring, data collection, and data analysis.
- Consult with parents to foster carryover and reinforcement of skills in the home.
- Collaborate with general educators, school psychologists, occupational therapists, physical therapists, and other service providers in the implementation of RtI² approaches.
- Consult with content area teachers about their role in literacy development, such as the integration of strategies specific to phonics, morphology, vocabulary, and comprehension development into their classrooms.
- Support colleagues through mentoring and close collaboration to provide consistency in reinforcing skills.
- Engage in ongoing collaboration to address small-group and individual student needs.
- Participate in regularly scheduled progress monitoring meetings.

- Provide consultation and intervention for at-risk students effectively utilizing core curriculum components and research-based supplemental materials based on identified student needs.
- Participate on school site teams (within and across grade levels) to analyze data and target instruction.
- Compile relevant assessment data through continual progress monitoring and respond appropriately to the findings.

Role of Parents and Families

As an RtI² approach is implemented, procedures must guarantee that parents and families are informed and involved when students are first identified for intervention. Schools will also use a variety of ways to keep parents engaged and informed. Schools should:

- Seek parental involvement in the RtI² implementation plans.
- Invite parental participation on school site teams as a collaborative partner.
- Advise the best method for parents to obtain relevant information about the school or their child.
- Distribute written material informing parents of their right to refer their student at any time for special education evaluation, as stipulated in IDEA 2004.
- Ensure that parents understand their rights and the educational rights of their student.
- Provide written material that outlines the role of RtI² data in making SLD determinations.
- Help parents understanding the data and how they are used in instructional planning and interventions.

Appendix C

Summary of the IDEA Regulations for Identifying Students with Specific Learning Disabilities

Prior to the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004, a severe discrepancy between intellectual ability and achievement in one or more of the areas of oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation, and mathematics reasoning was required in order for a student to be identified as having a specific learning disability (SLD).

IDEA 2004 and its implementing regulations provide new criteria in determining whether a student is eligible for special education and related services as a student with a specific learning disability. The following is a summary of the process of identification and evaluation from the IDEA regulations.

Definition of a Specific Learning Disability

The definition of an SLD remains unchanged from the previous versions of the law and regulations. The definition is contained in 20 *United States Code (U.S.C.)* Section 1401(30) and Title 34 of the *Code of Federal Regulations (CFR)* Section 300.8(c)(10)(i)(ii) and states:

(i) 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, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (ii) Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Although the definition remains the same, the process used to identify and evaluate students suspected of having an SLD has changed significantly.

Significant Change to the Identification of an SLD

IDEA 2004 made a significant change regarding the discrepancy model:

(A) Notwithstanding section 1406 (b), when determining whether a child has a specific learning disability as defined in section 1401, a public 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) 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). (20 U.S.C. §1414 [b][6]).

The regulations went further by allowing that states “may permit the use of other alternative research-based procedures for determining whether a student has a specific learning disability as defined in Section 300.8(c)(10)” (34 *CFR* 300.307[a][3]).

The eligibility criteria adopted by a state should be used by all local educational agencies in that state. The regulations do not specify the exact criteria for determining eligibility for SLDs using RtI² and leave it up to the states to determine.

Membership of the Eligibility Group

The group that determines whether a student meets the eligibility criteria for a specific learning disability must consist of the student’s parent and a team of qualified professionals. The group also must include:

- **The student’s regular education teacher; or**
- **If the student does not have a regular education teacher, a regular education classroom teacher qualified to teach a student of his or her age; or**
- **For a student of less than school age, an individual qualified by the state educational agency to teach a student of his or her age; and**
- **At least one person qualified to conduct individual diagnostic examinations of students,** such as a school psychologist, speech-language pathologist, or remedial reading teacher.

A local educational agency may include other individuals beyond the above-required members to assist in making the eligibility determination.

Determination of a Specific Learning Disability

The group must follow several steps to establish whether a student has an SLD.

Required Component: Determination of Lack of Achievement

First, the group must determine if the child does not achieve adequately for his or her age or meets state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or state-approved grade-level standards:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skill
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

Second, if the group determines that a student does not achieve adequately in one or more of the eight areas listed, the group must then determine whether (1) the student does not make sufficient progress when using an RtI² process; or (2) the student exhibits a pattern of strengths and weaknesses that is relevant to the identification of an SLD. This second step in the eligibility determination process is discussed below (34 *CFR* § 300.309 [a][2][i-ii]).

Required Component: Determination of Lack of Progress Using RtI²

The group may determine that a student does not make sufficient progress to meet age- or the state's grade-level standards in one or more of the eight identified areas above when using a process based on the student's response to scientific, research-based intervention. (Guidelines to assist the group in making the determination are found in Chapter 3.)

Required Component: Determination of a Pattern of Strengths and Weaknesses

As an alternative to a determination of lack of sufficient progress using RtI², the group may conclude that a student may have an SLD by examining whether he/she exhibits a pattern of strengths and weaknesses in performance, achievement, or both, compared to age- or grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of an SLD using appropriate assessments.

In determining whether a pattern of strengths or weaknesses exists, the team may choose to examine profiles across or within standardized achievement tests and tests of intellectual development. These patterns of strengths or weaknesses are sometimes referred to as intra-individual differences or variability and may be relevant to the identification of an SLD.

Required Component: Determination of the Role of Exclusionary Factors

Finally, once a group has determined that (1) a student does not achieve adequately for his or her age; and (2) the student does not make sufficient progress using the RTI² process, or the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, the team must determine that its findings regarding (1) and (2) are not primarily the result of:

- A visual, hearing, or motor disability
- Mental retardation
- Emotional disturbance
- Cultural factors
- Environmental or economic disadvantage
- Limited-English proficiency

Required Component: Determination of Whether a Student Received Appropriate Instruction

To ensure that underachievement in a student suspected of having an SLD is not due to a lack of appropriate instruction in reading or math, the group must consider documentation that demonstrates that prior to, or as part of, the referral process, the student was provided with appropriate instruction in regular education settings delivered by qualified personnel. The group must also consider data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

Required Component: Observation

To document the student's academic performance and behavior in the areas of difficulty, the public educational agency must ensure that the student is observed in his or her learning environment, including the regular education classroom setting. The group may fulfill this requirement by reviewing information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the student was referred for an evaluation, or may have at least one member of the group conduct an observation of the student's academic performance in the regular education classroom after he or she has been referred for an evaluation and the parent's consent has been obtained.

If the student is less than school age or out of school, a group member must observe the student in an environment appropriate to his or her age.

Required Component: Specific Documentation of the Determination of Eligibility

Upon review of all of the information gathered in the evaluation process, the group must then develop written documentation of the determination of eligibility that includes a statement of:

- Whether the student has an SLD and the basis for that determination, including an assurance that the determination has been made in accordance with 34 *CFR* § 300.306(c)(1)
- The relevant behaviors, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning
- Any educationally relevant medical findings

In an RtI² process, the group must document:

- The instructional strategies used and the student data collected
- That the student'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 student's rate of learning
3. Their right to request an evaluation of their child

Each group member must certify in writing whether the report reflects the member's conclusion. If not, the member must submit a separate statement presenting his or her conclusions.

Required Component: Other Considerations

The public agency must promptly request parental consent to evaluate the student as to whether the student needs special education and related services. There are two conditions for a request: (1) whenever a student is referred for an evaluation; and (2) if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction. The public educational agency must adhere to the time frames for an evaluation, unless it is extended by mutual written agreement of the student's parents and a group of qualified professionals evaluating the student. The requirements for the determination of eligibility for SLDs are in addition to, and not in place of, all other IDEA requirements relating to evaluations and eligibility. Other considerations include the requirement to:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information.
- Refrain from use of any single measure or assessment as the sole criterion for determining whether a student is a student with a disability.
- Use technically sound instruments that may assess the relative contributions of cognitive and behavioral factors in addition to physical and developmental factors.

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT October 28, 2010

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Albany Unified School District, hereinafter referred to as the District, mutually agree as follows:

1. BASIS OF AGREEMENT

The Team provides a variety of services to school districts and county offices of education upon request. The District has requested that the Team provide for the assignment of professionals to study specific aspects of the District operations. These professionals may include staff of the Team, County Offices of Education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this Agreement.

In keeping with the provisions of AB1200, the County Superintendent will be notified of this agreement between the District and FCMAT and will receive a copy of the final report. The final report will be published on the FCMAT website.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

1. Conduct a comprehensive review of the special education delivery system and determine how the program can be more cost efficient. The review will include recommendations to reduce the level of contributions from the unrestricted general fund and continue to sustain the quality of services and meet the legal requirements of the program.
2. Evaluate the effectiveness of the staffing process for certificated staff and classroom aides including class size ratios and provide recommendations, if needed.
3. Review the district's implementation of the Response to Intervention Model (RTI) and provide recommendations, if any.

4. Review District Student Study team process and make recommendations to improve efficiency.
5. Review nonpublic school and nonpublic agencies placements and make recommendations on cost containment.
6. Review legal services costs and usage and make recommendations on how to effectively work with parents to reduce legal services. This component will also include recommendations on collaborative solutions on how to work together in an effort to further reduce the need for costly mediation and due process hearings and avoid litigation.

B. Services and Products to be Provided

- 1) Orientation Meeting - The Team will conduct an orientation session at the School District to brief District management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
- 2) On-site Review - The Team will conduct an on-site review at the District office and at school sites if necessary.
- 3) Exit Report - The Team will hold an exit meeting at the conclusion of the on-site review to inform the District of significant findings and recommendations to that point.
- 4) Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
- 5) Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the District administration for review and comment.
- 6) Final Report - Sufficient copies of the final study report will be delivered to the District administration following completion of the review.
- 7) Follow-Up Support - Six months after the completion of the study, FCMAT will return to the District, if requested, to confirm the District's progress in implementing the recommendations included in the report, at no cost. Status of the recommendations will be documented to the District in a FCMAT Management Letter.

3. PROJECT PERSONNEL

The study team will be supervised by Anthony L. Bridges, CFE, Deputy Executive Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- | | |
|--------------------------|--------------------------------|
| A. Dr. William Gillaspie | FCMAT Chief Management Analyst |
| B. JoAnn Murphy | FCMAT Consultant |
| C. Anne Stone | FCMAT Consultant |

Other equally qualified consultants will be substituted in the event one of the above noted individuals is unable to participate in the study.

4. PROJECT COSTS

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be:

- A. \$500.00 per day for each Team Member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. The District will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon acceptance of the final report by the District.

Based on the elements noted in section 2 A, the total cost of the study is estimated at \$13,900.

- C. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT services are payable to Kern County Superintendent of Schools - Administrative Agent.

5. **RESPONSIBILITIES OF THE DISTRICT**

- A. The District will provide office and conference room space while on-site reviews are in progress.
- B. The District will provide the following (if requested):
 - 1) A map of the local area
 - 2) Existing policies, regulations and prior reports addressing the study request
 - 3) Current or proposed organizational charts
 - 4) Current and two (2) prior years' audit reports
 - 5) Any documents requested on a supplemental listing
 - 6) Any documents requested on the supplemental listing should be provided to FCMAT in electronic format when possible.
 - 7) Documents that are only available in hard copy should be scanned by the district and sent to FCMAT in an electronic format.
 - 8) All documents should be provided in advance of field work and any delay in the receipt of the requested documentation may affect the start date of the project.
- C. The District Administration will review a preliminary draft copy of the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the Team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with pupils. The District shall take appropriate steps to comply with EC 45125.1(c).

6. **PROJECT SCHEDULE**

The following schedule outlines the planned completion dates for key study milestones:

Orientation:	To Be Determined
Staff Interviews:	To Be Determined
Special Ed Parent Interviews	To Be Determined
Special Ed Professional Experts	To Be Determined
Key Board Member Interviews	To Be Determined
Exit Interviews:	To Be Determined
Preliminary Report Submitted:	To Be Determined
Final Report Submitted:	To Be Determined
Board Presentation:	January 2011 Included at no addition cost
Follow-Up Support:	If requested

7. **CONTACT PERSON**Name of contact person: Marla Stephenson, SuperintendentTelephone: (510) 558-3766 FAX: (510) 559-6560E-Mail: mstephenson@ausdk12.orgMarla Stephenson, Superintendent
Albany Unified School DistrictNovember 5, 2010

Date

Anthony L. Bridges, CFE
Deputy Executive Officer
Fiscal Crisis and Management Assistance TeamOctober 28, 2010

Date