
IDEA Fact Sheet #3: Identification of Specific Learning Disabilities & Response to Intervention (RTI)

Federal Summary:

The IDEA no longer requires school districts to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in determining whether a student has a learning disability. Consistent with state criteria, school districts may now use the results of a student's **response to a scientific, research-based intervention** as part of the evaluation in determining whether a student has a learning disability. The term "response-to-intervention" (RTI) is not defined in the IDEA law or regulation.

Under the IDEA, school districts must establish a team of qualified professionals and the child's parents which is responsible for determining whether the student has a learning disability. In New York State, the Committee on Special Education (CSE) serves as the team responsible for determining whether a student has a learning disability. The school district is required to provide the parent with an evaluation report that includes the documentation of the student's eligibility. Each member of the eligibility team must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

New York State's Response

The Board of Regents recently amended the Regulations of the Commissioner of Education to implement the federal requirement that States must adopt criteria regarding the identification of learning disabilities which:

- Must not require the use of severe discrepancy between intellectual ability and achievement;
- Must permit the use of a process based on the student's response to scientific, research-based intervention; and
- May permit the use of other alternative research-based procedures...

In New York State, while regulations allow the use of an RTI process, NYSUT worked to obtain additional protections including:

- *Districts must provide notification to parents when a student requires an intervention beyond that provided to all general education students including the parental right to initiate a special education referral;*
- *Districts must identify RTI criteria and the process for levels of intervention and progress monitoring;*
- *Districts must ensure staff has knowledge and skills to implement RTI with consistency and fidelity;*
- *A regulatory definition of research-based instruction in reading;*
- *Allowing additional time prior to prohibiting the use of the significant discrepancy criteria in reading for K-4 students by July 1, 2012 (SED originally proposed that this be implemented by 2010); and*
- *Not allowing the use of federally-permitted but undefined "other alternative research-based procedures."*

It is important to note that in New York State the Regents established RTI as an optional general education service in addition to the IDEA requirement. In fact, RTI is not defined in the Part 200 of Commissioner's Regulations that govern services for students with disabilities, but instead the definition is found in the Part 100 regulations detailing elementary and secondary education program requirements for all students.

Frequently Asked Questions

1. How does the district determine the existence of a specific learning disability?

According to the IDEA, the eligibility team (the CSE in New York State) may determine that a student has a specific learning disability, if:

- The student does not achieve adequately for the child's age or does not meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards: oral expression; listening comprehension; written expression; basic reading skills; reading fluency skills; reading comprehension; mathematics calculation; mathematics problem solving.
- The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified above when using a process based on the students' response to a scientific, research-based intervention; or the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments; and
- The group determines that its findings are not primarily the result of: a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

2. What is the definition of “response-to-intervention (RTI)?”

Generally, response-to-intervention means a process of assessing a student's response to a high-quality instruction/intervention matched to a student's need, for the purpose of making educational decisions concerning a student suspected of having a learning disability. A response-to-intervention process could also involve a multi-tiered problem-solving process for schools to address the needs of all students struggling to meet higher learning standards. The following summary of the three tiered model of progressive interventions is excerpted from an AFT Fact Sheet on RTI:

Tier 1: Screening and Group Interventions - Student who are “at risk” are identified using universal screenings and/or results on state- or district-wide tests and could include weekly progress monitoring of all students for a brief period. These students receive supplemental instruction, or interventions, typically delivered individually or in small groups during the student's regular school day in the general education classroom. During that time, student progress is closely monitored. At the end of this period, the interventions for students showing significant progress in academic growth would no longer be needed.

Tier 2: Targeted Interventions - Students not making adequate progress in the regular classroom in Tier 1 are provided with more specifically-designed services. These interventions are more intensive in nature. These services are provided in addition to instruction in the general curriculum. These interventions are generally provided in small group settings. Students who do not respond to interventions or show progress in this tier are then considered for more intensive interventions as part of Tier 3.

Tier 3: Intensive Interventions and Comprehensive Evaluations - Students receive individualized, intensive interventions that target the student's skill deficits. Students who do not respond to these targeted interventions are then referred for an initial special education evaluation. Data collected during Tiers 1, 2 and 3 are considered in making the eligibility decision.

Note: At any point during an RTI process, parents are permitted under IDEA to request a formal evaluation to determine eligibility for special education. An RTI process cannot be used to deny or delay a formal evaluation for special education.

3. How is RTI used to determine eligibility for learning disability?

Following parental consent, the school district's Committee on Special Education (CSE) would arrange for a comprehensive individual special education evaluation. The student is assessed in all areas related to the suspected disability by members of the evaluation team. In an RTI process the assessments focus on the skills and abilities of the student and are linked to scientifically-based interventions. The student's response to a scientifically based intervention is only one component of the student's individual evaluation. Based on the evaluation results the CSE would determine if the student has a learning disability based on the criteria described in the response to Question one of this document.

4. What does the RTI process mean for teachers and student?

Teachers, especially general education teachers, have a key role in identifying and responding to students with academic and behavioral problems. Since the RTI process does not require a student to demonstrate a significant learning problem before it is addressed teachers and other school personnel may be called upon to provide timely interventions and collect data measuring a student's progress as a part of a school district's general education intervention program. New and expanded roles for teachers include participation in designing the local RTI process, quality professional development opportunities, team collaboration, as well as learning new strategies to help students with learning problems.

Advice to Local Leaders

- Local Leaders should work with school administrators in determining if an RTI process will be implemented in the school district and if so, create a team including but not limited to general education and special education teachers, other school personnel, administrators and parents to plan for its implementation, including the integration of this process into existing pre-referral interventions and the IEP eligibility and development process.
- Local leaders should urge administrators to limit the use of the RTI process to those students with early grade reading problems and to pilot the implementation of the RTI process in selected schools and grades.
- Local leaders should work with the district's Professional Development Plan Team to determine what training will be required to ensure the proper implementation of a RTI process in the district, including information on the roles and responsibilities of general and special education staff who will be involved in this process.
- Local leaders should work with their labor relations specialist to ensure that the elements of a RTI implementation plan which may be subject to collective bargaining are appropriately addressed. For example, wages, hours and other conditions of employment such as workload, class size/caseload, transfer, reassignment, evaluation and professional development.

NYSUT is currently collecting information on the implementation of the recent IDEA changes through a web-based **IDEA Feedback Survey**. Please take a few minutes to share how these changes have impacted you and the special education students in your district by visiting www.nysut.org/outreach. The Survey data will be used to support NYSUT's special education advocacy and legislative efforts at both the federal and state levels.