RESPONSE TO INTERVENTION AS IT RELATES TO EARLY INTERVENING SERVICES:

Recommendations

PREPARED BY PAULA BURDETTE, PH.D
APRIL 2007
Project Forum at National Association of State Directors of Special Education (NASDSE) is a cooperative agreement funded by the Office of Special Education Programs of the U.S. Department of Education. The project carries out a variety of activities that provide information needed for program improvement and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues and convenes small work groups to gather expert input, obtain feedback and develop conceptual frameworks related to critical topics in special education.

This report was supported by the U.S. Department of Education (Cooperative Agreement No. H326F050001). However, the opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education, and no official endorsement by the Department should be inferred.

Note: There are no copyright restrictions on this document; however, please credit the source and support of federal funds when copying all or part of this material.

This document, along with many other Forum publications, can be downloaded from the Project Forum at NASDSE web address:

http://www.projectforum.org

To order a hard copy of this document or any other Forum publications, please contact Nancy Tucker at

NASDSE, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314
Ph: 703-519-3800 ext. 312 or Email: carla.burgman@nasdse.org

This document is available in alternative formats. For details please contact Project Forum staff at 703.519.3800
RESPONSE TO INTERVENTION AS IT RELATES TO EARLY INTERVENING SERVICES:
Recommendations

INTRODUCTION

The 2004 amendments to the Individuals with Disabilities Education Act (IDEA) added two new concepts designed to support state and local efforts to prevent inappropriate referrals to special education. The final regulations incorporate new requirements regarding identifying children with specific learning disabilities (SLD) and early intervening services (EIS). With regard to identifying children with SLD, the regulations allow a local educational agency (LEA) to consider a child’s response to scientific, research-based intervention as part of the SLD determination process, commonly referred to as Response to Intervention (RTI). The regulations regarding EIS permit an LEA to use not more than 15% of its IDEA Part B funds to develop and implement EIS for children in kindergarten through grade 12 (with a particular emphasis on children in kindergarten through grade 3) who are not currently identified as needing special education or related services.

The Questions and Answers on Response to Intervention (RTI) and Early Intervening Services (EIS) (January 2006)\(^1\), describe RTI and EIS as follow:

RTI strategies are tools that enable educators to target instructional interventions to children’s areas of specific need as soon as those needs become apparent. There is nothing in IDEA that prohibits children with disabilities who are receiving special education and related services under IDEA from receiving instruction using RTI strategies unless the use of such strategies is inconsistent with their individualized education programs (IEPs). … However, children with disabilities who are currently identified as needing … services may not receive RTI services that are funded with IDEA funds used for EIS … because EIS is “… for students who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.”

Regulations regarding EIS permit an LEA to use not more that 15% of its IDEA Part B funds to develop and implement EIS. The regulation also indicate how EIS funds can be expended; on whom the EIS funds can be spent; the reporting requirements for EIS; special provisions regarding disproportionality based on race and ethnicity and how that affects an LEA’s use of EIS funds; and the relationship of EIS to maintenance of effort.

Generally, stakeholders agree that RTI done well at the classroom level will provide data from which educators can make instructional decisions for individuals and groups of students. Given high quality decisions, RTI shows promise in supporting all students, especially those at risk of failing,
to achieve state performance standards. Furthermore, stakeholders tend to agree that RTI is primarily a general education process that should be supported by special education staff.

Based on the importance of RTI and EIS for state education agencies (SEAs), LEAs, the U.S. Department of Education’s Office of Special Education Programs (OSEP) and Office of Elementary and Secondary Education (OESE) and many other stakeholder groups, Project Forum at the National Association of State Directors of Special Education (NASDSE) conducted a policy forum on RTI and EIS as part of its cooperative agreement with OSEP. The forum was held October 30-31, 2006. A wide variety of the most knowledgeable stakeholders in the areas of RTI and EIS attended (see Appendix A for participant list) and the forum was professionally facilitated. The agenda for the forum began with contextual statements and presentations from NASDSE and OSEP leadership and followed with participants identifying barriers to the implementation of RTI, generating policy recommendations for successful implementation and identifying specific implementation considerations (see Appendix B for the agenda). Based on a vision of “fully implemented, high quality RTI and EIS programs,” the identified goals of the policy forum were to achieve the following:

- develop policy recommendations to support effective implementation of RTI and EIS.
- identify common ground from which various stakeholders can implement RTI and EIS.

This proceedings document provides legislative background pertaining to RTI and EIS, OSEP’s description of RTI and a summary of barriers and recommendations generated by the participants in the policy forum.

---

**NATIONAL PERSPECTIVE**

**Legislative Background**

In 2004, the reauthorization of IDEA added two new concepts for supporting accurate referral of students for special education services: RTI and EIS. Within the context of identifying a specific learning disability, the law says: “a local education agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.” This has typically been referred to as RTI in the education literature.

IDEA regulations issued in August 2006 continue the discussion of criteria for determining whether a child has a specific learning disability by explaining that “the State must permit the use of a process based on the child’s response to scientific, research-based intervention” to determine eligibility [(§300.307(a)(2)].

EIS language is placed in a separate section of the law and is focused on funding. This funding can be used to support the use of RTI. The regulations describe EIS in the following manner:

An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA … in combination with other amounts … to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 … who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment [§300.227(a)].

In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include:

---

**RESPONSE TO INTERVENTION AS IT RELATES TO EARLY INTERVENING SERVICES**
Remarks by OSEP

OSEP realizes the promise of RTI and EIS go beyond meeting the needs of special education. Rather, these two initiatives meet a larger educational need. As Alexa Posny, the director of OSEP, said, “RTI and EIS are absolutely the future of education—not the future of special education, but of education.” She went on to explain that EIS is a broad provision of support services that requires the collaborative involvement of general education and special education focused on providing high quality and effective early learning experiences for all students (K-12). RTI is a specific provision of student services focused on determining individual student needs. Both have potential to reduce inappropriate referrals to special education and promote school improvement and reform activities.

Lou Danielson, Director of OSEP’s Research to Practice Division, explained at the forum that OSEP’s work to incorporate RTI into IDEA began soon after IDEA 1997 was reauthorized in order to provide alternative ways to identify students with learning disabilities. Dr. Danielson also explained that research identifies two goals of RTI: to prevent future academic problems and to assist in identifying students with learning disabilities. He noted that while there are variations in RTI implementation, there are more similarities than differences between various models. He went on to explain what RTI implementation generally looks like across various implementation models:

- Students receive high quality, research-based instruction by qualified staff in general education settings.
- RTI is generally based on a multi-tiered model of increasing the intensity of instruction and interventions similar to the Positive Behavior Support model.\(^2\)
- General educators assume an active role in students’ assessment in the general curriculum.
- School staff conducts universal screening of academics and behavior.
- Staff implements specific, research-based interventions to address students’ difficulties.
- Staff conducts continuous progress monitoring of student performance.
- Staff uses progress monitoring data and explicit decision rules to determine intervention effectiveness and needed modifications.
- Systematic assessment is made regarding the fidelity with which instruction and interventions are implemented.
- Referral for a comprehensive evaluation is made as appropriate, keeping in mind all due process protections afforded families under IDEA.\(^3\)

In continuing his description of RTI, Dr. Danielson referred audience members to the National Research Center on Learning Disabilities’ (NRCLD) website, which states that attributes common to many RTI implementations include the following:

- the concept of multiple tiers of increasingly intense student interventions;
- implementation of a differentiated curriculum;

---

\(^2\) See [www.nreld.org](http://www.nreld.org) for a description of the multi-tiered model.

\(^3\) Go to [http://projectforum.org/docs/2006RTI-forumning.pdf](http://projectforum.org/docs/2006RTI-forumning.pdf) to see Dr. Danielson’s PowerPoint presentation.
instruction delivered by staff other than the classroom teacher;
- varied duration, frequency, and time of interventions;
- categorical or noncategorical placement decisions;
- severity levels for placement decisions; and
- a problem solving model or standardized treatment protocol for addressing students’ difficulties.

RTI models can be distinguished by whether the student’s intervention is individualized. In some RTI models, the student’s deficits are addressed by implementing a research-based intervention that is specially designed for that student (i.e., problem-solving model) and for which implementation integrity is uniquely assessed. An alternative RTI model involves grouping students with similar difficulties (e.g., problems with reading fluency) who are given a research-based intervention that has been standardized and proven effective for students with similar difficulties (i.e., standard treatment protocol approach) and has a standard protocol to assess implementation integrity.

**National RTI Initiatives**

Various organizations have developed and disseminated models for RTI implementation. Bill East, NASDSE’s Executive Director, talked about the practitioner-friendly book it published in 2005 to support its membership, state directors of special education. The book, *Response to Intervention: Policy Considerations and Implementation*, was collaboratively developed by nine individuals who are well-respected in component areas of RTI, such as school reform, assessment, school-based teams and problem-solving. The book defines RTI and explains the core principles and components, provides research and policy foundations and discusses special education eligibility in an RTI system and professional development considerations. NASDSE’s book also describes the supports for RTI in federal law.

Lou Danielson and Daryl Mellard, principal investigator at NRCLD, discussed the RTI user’s manual developed by NRCLD in 2006. The manual, *Responsiveness to RTI: How to Do It*, is a tool based on current research for implementing RTI. It is designed to provide comprehensive coverage of RTI to help the user understand, design and evaluate RTI features. The introduction defines RTI and explains its use within the process of SLD determination. The manual also discusses school-wide screening, progress monitoring, a tiered service delivery model and fidelity of implementation, and gives examples of RTI processes.

Other participants shared information about literature that other national centers have provided that support RTI implementation including the Access Center (e.g., *Response to Instruction and Universal Design for Learning: How Might They Intersect in the General Education Classroom*?). Similarly, the IDEA Partnership at NASDSE conducts meetings with more than 50 partner organization and provides their recommendations. The Iris Center at Vanderbilt University has developed preservice and inservice teacher training modules on RTI. In 2006, 13 national organizations developed a compilation document of each project’s current thinking regarding job roles entitled, *New Roles in Response to Intervention: Creating Success for Schools and Children*.

**ISSUES AND PERCEIVED BARRIERS TO IMPLEMENTATION**

Policy forum participants identified numerous specific barriers to the implementation of RTI and EIS that were combined into the following nine overarching barriers:

- **Disparate knowledge and skills**: Personnel at all levels of implementation appear to be inadequately trained to implement RTI

---

4 For a complete list of barriers, policy recommendations and implementation considerations, go to [www.projectforum.org](http://www.projectforum.org).
and family members have not been made sufficiently aware to support RTI. Training on problem solving, data analysis and best practices for instruction needs to begin during university training and continue with professional and family development. Since RTI impacts student achievement (specifically for students at risk of failure or students with disabilities), teacher outcomes, and system outcomes, an apparent gap in research exacerbates the disparate knowledge and skills barrier.

- **Lack of clarity about characteristics of high quality instruction**: Although educational programs that have research support exist, especially in reading, instruction refers to the actual delivery of these programs at the classroom level. Clear explanations to teachers regarding best practices for instructing students of different ages, backgrounds and abilities are lacking. Teachers receive information about instruction from universities, in-service training, mentorship and a variety of reading materials. Often, these sources do not give cohesive, clear messages to those in charge of providing instruction to students.

- **Limited fidelity of instruction**: In order to implement RTI and EIS effectively, LEAs must ensure that high quality research-based instruction has consistently been provided with fidelity.

- **Gaps in research**: Currently, a lack of confidence in the knowledge base and a mismatch between current research and the immediate needs for implementation appears to exist. There is a need for more research and development, specifically to understand how to implement quality instruction and subsequent RTI for diverse populations such as English Language Learners (ELLs) and students from racially and ethnically diverse backgrounds.

- **Gaps in leadership’s ability to make change**: Currently a fragmentation of infrastructure is believed to exist. For instance, at the federal, state and local levels, general education administrators are focused on No Child Left Behind (NCLB) requirements, which make no reference to RTI while special education administrators are focused on IDEA requirements, which expect numerous measures to be taken to reduce inaccurate identification of students for special education services, for students with disabilities to receive a free appropriate public education in the least restrictive environment, and other individualized safeguards and procedures to occur. State educational financial formulae also create and sustain a fragmentation between general and special education. Participants noted that the interface between general and special education policy and practice is unclear and hinders administrators at all levels from making positive change for student achievement.

- **Conflicting beliefs and values**: Some people believe that RTI is a special education intervention rather than an intervention that involves both general and special education working collaboratively. This belief in a dual educational system (i.e., general education separate from special education) is one that has been arguably supported by policy and practice for more than a quarter of a century and inhibits the ability to collaboratively implement RTI as a general education intervention. A clear conceptualization of RTI’s purpose, implementation methods and outcomes is needed.

- **Misaligned policies**: Current policies, procedures and practices do not support the vision of a quality education for all children. There is a perceived lack of alignment between some requirements of NCLB and IDEA and at the state and local levels there is an apparent misalignment between policy and practices for educational decision making. For example, the NCLB emphasis on group accountability versus the IDEA emphasis on individual student accountability might cause some RTI implementation challenges such as misplacement of the resources of time, funds and expertise. The participants gave examples of this including: spending a large amount of instructional time on preparing for and giving large-scale assessments diminishes time for progress monitoring of students; funds spent on large-scale testing rather than on improving teachers’ ability to instruct students at risk of failure and students with disabilities in the general education environment; and the current funding structures do not support building and maintaining RTI infrastructures.

- **Insufficient funding**: Limited resources including funding structures create difficulty as LEAs work to build and maintain EIS infrastructures. Participants were concerned that the 15% of IDEA funds allowed for

---

**Recommendations**
schools with “significant disproportionality” as defined by states does not support the infrastructure to implement training and tools for EIS.

- **Limited family involvement**: Students and their families can and do support achievement, especially if parents are involved with the education process. Limited parent and youth involvement within EIS, RTI and the instructional process can lead to a less effective implementation of RTI.

Cross-cutting themes include inadequate instruction and lack of family involvement. Furthermore, policy forum participants emphasized that federal education policies, specifically NCLB and IDEA, sometimes appear to contradict, or at least do not support, one another causing confusion at all levels of implementation.

**POLICY RECOMMENDATIONS**

After identifying barriers, participants generated policy recommendations to address each barrier and prioritized their recommendations. Recommendations are ordered from most to least important based on the number of participants who selected them. The criteria used for prioritizing were as follows:

- Choose recommendations that have the greatest impact on reaching the vision of supporting effective implementation of RTI and EIS.
- Select recommendations that need to be met prior to beginning work on others.
- Consider what is hardest and what is easiest to achieve.
- Choose recommendations that will generate the most far-reaching effects.
- Select recommendations that will help unify efforts (i.e., something all stakeholders can agree on).
- Consider what we already know about scaling up initiatives.

Following are the consolidated policy recommendations:

**Embed RTI language into NCLB reauthorization.**

Embed RTI language into NCLB, which could include changing Adequate Yearly Progress (AYP) to a growth model\(^5\) or incorporating growth models in the calculation of AYP; embedding RTI into school improvement plans; and including a focus on disproportionality and high quality instruction.

**Provide comprehensive training.**

Establish and support collaborative training (e.g., training professionals and parents together, using the same content for training, etc.) for administrators, educators and families on critical components of RTI and EIS, especially high quality instruction. This includes developing content and training modules and developing teams at the LEA and school building levels to effectively implement RTI. The modules on RTI from the IRIS Center at Vanderbilt University appear to be useful training components.

**Focus on implementation of high quality instruction at the classroom level.**

Determine research-based characteristics and indicators of high quality instruction. A focus on student progress monitoring might yield information to help with quality control, such as helping leaders pinpoint teachers, students and schools that need more help and helping teachers and leaders evaluate the appropriateness and effectiveness of instruction and interventions. Student progress monitoring is a scientifically based practice that is used to assess students’ academic performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students or an entire class.\(^6\) Participants

---

\(^5\) Growth models refers to models of accountability that measure progress by tracking achievement scores of the same students from one year to the next with the intent of determining whether groups of students have made progress.

\(^6\) Learn more about how student progress monitoring can support teacher instruction and student learning at the National Center on Student Progress Monitoring website [http://www.studentprogress.org/](http://www.studentprogress.org/).
believe that NCLB’s AYP is not enough of an impetus to improve classroom instruction.

Encourage research, syntheses and the development of implementation tools. Fund a national mechanism to coordinate RTI for all students. Establish funding priorities for rigorous research and technical assistance in the following areas: determining what quality instruction is (i.e., best practices for diverse learners in diverse settings such as middle school, high school, urban and rural schools); identifying best practices for meaningful parent involvement; and identifying and implementing methods for scaling up and supporting systems change. Implementation tools would include modules, websites, journals and/or newsletters.

Develop a national coordinating body to support implementation of RTI. Leadership is required at all levels (building, district, state and national) to support systems change. Gaps in leadership ability to make change create a need to develop a national coordinating body that supports grassroots implementation of RTI.

Develop a common understanding to encourage interdisciplinary collaboration. A common understanding of RTI and EIS would include a shared vocabulary and agenda across federal, state and local agencies and interdisciplinary action planning. Paramount to achieving a common understanding is to encourage family and youth engagement and shared decision making.

Develop state and local implementation infrastructures. State and local implementation infrastructures would include: developing requirements for RTI skills in states' teacher and administrator certification and school/district accreditation; designating money and personnel focused on RTI as an EIS; identifying RTI specialists and team trainers; and providing incentives that result in collaboration.

Develop and implement a marketing strategy. Examples of developing and implementing a marketing strategy would be to create a joint white paper between the U.S. Department of Education’s Office of Special Education and Rehabilitation Services (OSERS) and OESE about what RTI is and how it works with NCLB and IDEA and to develop a conceptual framework for RTI. Other ideas include aligning federal, state, and local policy statements; conducting media-type events in order to reach a variety of audiences; holding joint training sessions to ensure that the same message is spread across stakeholders, including families; supporting model demonstration sites where data-based decisions are made; creating incentives for LEA implementation; and developing a comprehensive communication plan.

Miscellaneous policy recommendations
- Develop guidelines to help LEAs capitalize on EIS provisions.
- Align RTI implementation with state plans under both NCLB and IDEA.

IMPLEMENTATION CONSIDERATIONS

At the end of the policy forum participants selected four of the recommendations to highlight implementation considerations. The following section highlights these.

Embed RTI Language into NCLB Reauthorization

Steps for implementation:
- Analyze NCLB to determine where its policies intersect with RTI and EIS.
- Include language on use of growth models to calculate AYP or to substitute for AYP.
- Ascertain what is allowed regarding braiding of funding at these intersection points, including determination of any audit issues.
- Determine what groups have an investment in the intersections.
- Identify organizations that are working on the language of RTI and EIS.
Develop the rationale for buy-in for a variety of stakeholder groups.

- Clarify in advance why general educators might not want to buy in to the RTI and EIS process.
- Spell out clearly what is positive about RTI and EIS for general education stakeholders.
- Spotlight the special education tools that can benefit general education (e.g., screening, progress monitoring, instructional strategies, classroom management tools).
- Consider how IDEA language would help resolve current issues with NCLB.
- Think through and document what roles and responsibilities special education will have in the era of well-implemented RTI.
- Give examples of how LEAs are using the EIS 15% of IDEA funds to support the implementation of NCLB.
- Highlight data and examples from schools and LEAs in which school-wide EIS services helped all students achieve.
- Encourage legislative committees of various groups to advocate for this change with legislators (i.e., get the topic on each organization’s legislative agenda).

**Provide Comprehensive Training and Develop Interdisciplinary Collaboration**

Steps for implementation:

- Identify and operationalize the critical components of RTI and EIS at each level (i.e., come to consensus across stakeholder groups).
- Fund national mechanism to coordinate RTI across the nation.
- Establish collaborative leadership development teams.
- Take stock at all levels of what is already in place related to RTI and EIS (i.e., national projects, model sites, training modules such as those developed by IRIS, scale-up plans, state implementation materials, etc.).
- Identify and develop materials that are needed.
- Identify delivery modes (i.e., web-based, face-to-face, Communities of Practice [COPs], etc.)
- Customize materials and models to a variety of audiences (i.e., general educators, special educators, administrators, families, etc.).
- Develop training plans across all levels (i.e., timelines, roles/responsibilities).
- Plan for, and collect, data on the impact of the training.
- Plan and carry out evaluations, both formative and summative.
- Follow-up and conduct continuous improvement based on the data from the evaluation.
- Provide appropriate conditions for the professional development system (i.e., ensure common vocabulary and common understanding; provide continuous support and improvement; ensure that an adequate infrastructure is in place; build capacity at the school building level through a continuity of support, adaptive responses to unique school conditions and the evaluation.)

**Focus on Implementation of High Quality Instruction**

Steps for implementation:

- Conduct research and disseminate the findings as they pertain to implementing high quality instruction.
- Develop an RTI implementation model similar to the Positive Behavior Support model, but based on learning principles, to empower schools to develop unifying beliefs around the following cornerstones for analyzing instructional conditions: choosing materials, organizing the introduction of new information, and matching instruction to the task and student.
- Market the model to SEAs, LEAs, school buildings and family groups.
- Connect RTI to AYP and the Title I school improvement plan.
- Use progress monitoring systems and data to build teacher skills and “student growth models.”
- Widely disseminate information to all stakeholders.
- Connect the National Center on Student Progress Monitoring to broader education initiatives.
- Disseminate various RTI and EIS models to support all tiers geared to all educational audiences.
- Provide high quality, embedded staff development that incorporates interactive, web-based programs and resources.
- Value educators by buying their time (e.g., summer, weekends) for high quality staff development.
- Secure buy-in from school communities by providing a rationale for progress monitoring for all students.
- Train teachers in best instructional practices at the pre- and in-service levels.
- Provide on-going methods for supporting teachers when they need help (i.e., the same day) such as the methods used by Instructional Consultation Teams (ICT).

**CONCLUDING REMARKS**

A major theme that runs through many of the barriers, policy recommendations and the implementation considerations is that of increasing the use of evidence-based instructional strategies. The failure to implement and sustain effective practices in the classroom has been implicated as a major explanation for poor outcomes for special education and general education students alike. High quality instruction is the foundation of RTI and of obvious importance to the achievement of all students. In 2002, the President’s Commission on Excellence in Special Education recommended that the “culture of compliance” be replaced with a “culture of results” built on improved instruction that is supported by research. Cook and Schirmer (2003) highlighted a series of research-based instructional practices for students with disabilities that likely work well for all students. Furthermore, there is a plethora of special and general education literature regarding best instructional practice. The conclusions of the research must be consolidated into one body of “education” literature with special populations highlighted and provided via formal training in order for educators to use it.

When researching RTI in general, one will find a vast amount of literature. Finding schools that are implementing a version of RTI is also relatively simple due to the enthusiasm across the nation to support all children in the learning environment. However, as pointed out by forum participants, the coherence and clarity of what constitutes a quality RTI and EIS program is lacking. Educators’ and families’ beliefs vary from “We are already doing this”, to, “It is too complicated to even begin.” A coordinated effort at the national level to provide policy and practical implementation support is clearly called for to support more coherent efforts at the state, local and building levels.

**Recommendations**