

## CSBA Update 09/21 Board Policy

Instruction

BP 6120

### RESPONSE TO INSTRUCTION AND INTERVENTION

Note: The following policy is **optional** and should be modified to reflect district practice.

"Response to **instruction and** intervention" (RTI<sup>2</sup>) is a strategy of organizing instruction and support resources in the general education program to help **improve learning and behavioral outcomes** close the achievement gaps for all students, including students at risk, students with disabilities, and English learners. **It allows for, based on individual student needs, early identification, intensive instruction and intervention, and progress monitoring for students who are struggling academically and/or behaviorally.** In this strategy, a student who is suspected of having a learning disability or who is showing academic delays is provided intensive instruction and intervention for a specified period of time before the educational problems increase in intensity and special education seems the only viable option. During this period, the student's academic progress is frequently measured to see if the interventions are sufficient to help the student catch up with his/her peers. If the student fails to show significant progress, this failure to "respond to intervention" can be viewed as evidence of a specific learning disability, thus qualifying the student for evaluation of the need for special education services.

**Multi-Tiered System of Supports (MTSS) is described by the California Department of Education (CDE) as an integrated, comprehensive framework for districts that focuses on common core state standards, core instruction, differentiated and student-centered learning, individualized student needs, and the alignment of supports necessary for academic, behavioral, and social success. MTSS is connected to the eight state priorities in the local control and accountability plan, and encompasses inclusive academic instruction as reflected in the California state standards and frameworks, RtI<sup>2</sup>, behavior instruction such as positive behavioral interventions and supports and restorative practices, and social-emotional learning. Districts that have an established MTSS may integrate the RtI<sup>2</sup> system into such framework.**

The California Department of Education (CDE) has expanded the term RTI to "response to instruction and intervention" (RtI<sup>2</sup>) to include the full spectrum of instruction to meet the academic and behavioral needs of students and as a method to reduce the disproportionate representation of certain subpopulations of students identified as needing special education. RtI<sup>2</sup> is consistent with the identification of students under the Individuals with Disabilities Education Act (20 USC 1400 1482). According to the CDE, RtI<sup>2</sup> integrates resources from general education, categorical programs, and special education into a comprehensive system of core instruction and interventions to benefit every student. As part of the state's Quality Assurance Process, the CDE will examine whether districts have a disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

The following policy is **optional** and should be modified to reflect district practice.

The Governing Board desires to **improve learning and behavioral outcomes for all students by providing** provide a high-quality, data-driven educational program **that to meets** the learning and behavioral needs of each student and **to help** reduces disparities in achievement among subgroups of students. Students who are not making academic progress pursuant to district measures of performance **and/or are struggling behaviorally** shall receive intensive instruction and intervention supports designed to meet **their** individual learning needs, **with progress monitored.**

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

*(cf. 0415 - Equity)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 6000 - Concepts and Roles)*

*(cf. 6011- Academic Standards)*

The Superintendent or designee shall convene a team **of that may include, as appropriate, staff with knowledge of curriculum and instruction, student services, special education, and instructional and behavioral support,** certificated personnel, other district staff, and parents/guardians **as appropriate,** to assist in designing the district's Response to Instruction and Intervention (RtI<sup>2</sup>) system, based on an examination of indicators of district and schoolwide student achievement **and social-emotional well-being.**

*(cf. 0500 - Accountability)*

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 5147 - Dropout Prevention)*

***(cf. 6164.2 - Guidance/Counseling Services)***

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Learners)*

*(cf. 6179 - Supplemental Instruction)*

The district's RtI<sup>2</sup> system shall include instructional strategies and interventions with demonstrated effectiveness and **shall** be aligned with the district curriculum and assessments. **The Superintendent or designee may conduct ongoing screening to determine student needs, analyze data, identify interventions for students not making adequate academic progress, monitor the effectiveness of the interventions, and adjust interventions according to efficacy.**

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. ~~6142.92~~ ~~6142.93~~ - Mathematics Instruction)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

*(cf. 6190 - Evaluation of the Instructional Program)*

**Note: The CDE has identified core components of the RtI<sup>2</sup> model. The remainder of this policy reflects these core components and should be modified to reflect district practice.**

The district's RtI<sup>2</sup> system shall include research-based, standards-based, culturally relevant instruction for students in the general education program; universal screening and continuous classroom monitoring to determine students' needs and to identify those students who are not making progress; criteria for determining the types and levels of interventions to be provided; and subsequent monitoring of student progress to determine the effectiveness of the intervention and to make changes as needed.

**Note: The CDE has identified ten core components of the RtI<sup>2</sup> model, reflected below in Item #s 1-10. CDE's web site contains resources for each listed component. The remainder of this policy reflects these core components and should be modified to reflect district practice.**

**Additionally, the districts RtI<sup>2</sup> system shall provide for:**

**1. High-quality classroom instruction**

**2. High expectations**

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

**3. Assessments and data collection**

**4. Problem-solving systems approach**

**5. Research-based interventions**

**6. Positive behavioral support**

**7. Fidelity of program implementation**

**8. Staff development and collaboration, which may include training in the use of assessments, data analysis, research-based instructional practices and strategies and emphasize a collaborative approach of professional learning communities among teachers within and across grade spans**

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**9. Parent/guardian and family involvement, including collaboration and engagement**

**The Superintendent or designee** Staff shall ensure that parents/guardians are involved at all stages of the instructional, ~~and~~ intervention, **and progress monitoring** process. Parents/guardians shall be kept informed of ~~their child's progress and provided information regarding~~ the services that **have and** will be provided, the strategies being used to increase the student's rate of learning, **the supports provided to improve behavioral difficulties,** and ~~information about~~ the performance data that **has and** will be collected.

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

**Note:** RtI<sup>2</sup> is consistent with the identification of students under the Individuals with Disabilities Education Act (20 USC 1400-1482). ~~can be viewed as evidence of a specific learning disability, thus qualifying the student for evaluation of the need for special education services.~~

**RtI<sup>2</sup> may reduce referrals for special education, including a reduction in the** disproportionate representation of certain subpopulations of students identified as needing special education. As part of the state's Quality Assurance Process, ~~the~~ CDE will examine whether districts have a disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

However, the U.S. Department of Education's Office of Special Education Programs Memorandum 11-07 states that districts have an obligation to ensure that evaluations of students suspected of having learning disabilities are not delayed or denied due to implementation of response to intervention (RTI) strategies. Additionally, in *M.M. v. Lafayette School District*, the Ninth Circuit Court of Appeals held that the district violated the Individuals with Disabilities Education Act procedural requirements by failing to ensure that RTI data was documented and carefully considered by the entire individualized education program team, and failing to provide the parents with the RTI data, resulting in the parents being unable to give informed consent for both the initial evaluation and the special education services, even when the district did not use the RTI data to determine eligibility. See AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

## 10. Consideration of further evaluation utilizing RtI<sup>2</sup> data

When data from the RtI<sup>2</sup> system indicate that a student may have a specific learning disability, the RtI<sup>2</sup> system may be utilized as one component when considering student may be referred the referral of a student for evaluation for special education or other services

~~(cf. 6159 - Individualized Education Program)~~

~~(cf. 6159.4 - Behavioral Interventions for Special Education Students)~~

~~(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)~~

~~(cf. 6164.5 - Student Success Teams)~~

~~(cf. 6164.6 - Identification and Education Evaluation Under Section 504)~~

The district shall provide staff development to teachers regarding the use of assessments, data analysis, and research-based instructional practices and strategies. In addition, the district's RtI<sup>2</sup> system shall emphasize a collaborative approach of professional learning communities among teachers within and across grade spans.

~~(cf. 4131 - Staff Development)~~

~~(cf. 4331 - Staff Development)~~

Staff shall ensure that parents/guardians are involved at all stages of the instructional and intervention process. Parents/guardians shall be kept informed of their child's progress and provided information regarding the services that will be provided, the strategies being used to increase the student's rate of learning, and information about the performance data that will be collected.

~~(cf. 5020 - Parent Rights and Responsibilities)~~

~~(cf. 6020 - Parent Involvement)~~

Legal Reference:

EDUCATION CODE

56329 Assessment, written notice to parent

56333-56338 Eligibility for specific learning disabilities

56500-56509 Procedural safeguards

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1416 Monitoring, technical assistance, and enforcement

CODE OF FEDERAL REGULATIONS, TITLE 34

**300.301-300.11 Evaluations, reevaluations, and additional procedures for identifying children with specific learning disabilities**

**300.307 Specific learning disabilities**

**300.309 Determining the existence of specific learning disabilities**

**300.311 Specific documentation for eligibility determination**

**COURT DECISIONS**

**M.M. v. Lafayette School District (9<sup>th</sup> Cir. 2014) 767 F.3d 842**

*Management Resources:*

**CSBA PUBLICATIONS**

**Best Practices in Special Education, Governance Brief, May 2019**

**CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE**

**Response to Instruction and Intervention, 2008**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Disproportionality Calculation Methodologies**

**NATIONAL COUNCIL ON DISABILITY PUBLICATIONS**

**IDEA Series: Every Student Succeeds Act and Students with Disabilities, February 2018**

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

**Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021**

**A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011**

*Management Resources: (continued)*

**WEB SITES**

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

National Center for Learning Disabilities RTI Action Network: <http://www.rtinetwork.org>

National Council on Disability: <https://ncd.gov>

U.S. Department of Education: <http://www.ed.gov>

PERRIS UNION HIGH SCHOOL DISTRICT  
Perris, California

Policy adopted: November 18, 2009

revised: December 14, 2022 (pending board approval)

