

## MTSS, RTI, and SLD

### Determination in Pennsylvania

# Frequently Asked Questions (FAQs)

**Q1:** What is the difference between a Multi-Tiered System of Support (MTSS) and Response to Intervention (RTI)?

**A:** MTSS is a **system** that is much broader than RTI. It is a comprehensive school improvement framework that includes a continuum of evidence-based academic, behavioral, and social-emotional supports and services to meet the needs of all students, including students with disabilities.

RTI is an **assessment process** that may also serve as a component of Specific Learning Disabilities (SLD) identification in IDEA 2004. RTI as a method of determining eligibility for the category of specific learning disability remains an option as described under 34 CFR 300.307.

**Q2:** May all schools choose to adopt and implement an MTSS as their school improvement strategy for enhancing student outcomes?

**A:** Yes, all schools may choose to adopt and implement an MTSS system to improve outcomes for all students, including students with disabilities. According to recent survey results, approximately 50 percent of the schools in Pennsylvania reported that they are implementing MTSS as their school improvement framework/system.

**Q3:** Are all schools required to provide appropriate instruction to all students and monitor the progress of general education instruction?

**A:** Yes, one of the important provisions in IDEA 2004, by which all schools are bound, is the requirement that prior to or during referral to determine SLD eligibility, schools must

provide data that demonstrate that (1) the child was provided with appropriate instruction in general education settings, delivered by qualified personnel; and (2) the child's parents were provided with documentation of repeated formal assessments of achievement, at reasonable intervals, reflecting student progress during instruction (34 C.F.R. 300.304-300.306). The adoption and implementation of an MTSS may assist schools with this provision.

**Q4:** If a school is implementing MTSS, are students permitted to move back and forth between the tiers?

**A:** Yes, movement between tiers, based on student data, is part of the design of a multi-tiered system. A student may move to more intensive levels of tiered intervention if he or she is not responding to instruction at the current level of intensity, or to a less intensive intervention level, if he or she is responding and making adequate progress.

Progress monitoring data help teachers determine whether movement between prevention levels is necessary. If a child is responding to instruction, he or she may move to a less intensive level of prevention, but progress should continue to be monitored in order to ensure that he or she continues to make adequate progress.

It is also important to note that a child may require different levels of intervention in different academic areas. For example, more intensive support may be needed in reading comprehension, but not in mathematics.

Q5: Are Tier 3 and special education the same in Pennsylvania?

A: No, tertiary (Tier 3) intervention is not the same as special education. The third level of a multi-tiered system of support is the most intensive of the three levels of intervention that is individualized to target a student's area of need(s) in the general education setting. Special education is the provision of specially designed instruction and related services delivered under the provisions of an individualized education program (IEP).

Q6: What are Response to Intervention (RTI) Methodologies? May all schools use RTI Methodologies within their MTSS?

A: RTI methodologies represent a system of practices that inform student growth or response to high-quality instruction and increasingly intensive intervention matched to need. It is common for practitioners to monitor student response or growth using progress-monitoring measures and/or other types of reliable and valid measures that are sensitive to incremental growth. The use of student growth percentiles (SGPs) and/or Rate of Improvement (ROI) help to inform high, but realistic, goal-setting and instructional intensification efforts. Yes, all schools may use this system of high leverage practices to inform goal-setting, instructional intensification, and growth determination for students.

Q7: May all schools use the RTI Approach for SLD Determination?

A: No, only 3 percent of schools in Pennsylvania are currently approved by the Bureau of Special Education (BSE) to use the RTI Approach to determine a specific learning disability. Most schools (97 percent) are still using an Ability-Achievement Discrepancy Approach. Schools that are interested in using the RTI Approach for SLD Determination within the areas of Reading, Written Expression, and/or Mathematics (K-12) must seek approval through the Bureau of Special Education (BSE). The use of RTI methodologies within the MTSS process is **not** the same as approval of RTI for SLD Determination.

Q8: If a school is approved to use the RTI Approach for SLD Determination, what does that mean?

A: RTI is a method that is tied to a student's instructional response. If a student responds inadequately to core and supplemental scientifically-based instruction and intervention, the student's inadequate response is considered a key attribute of a specific learning disability. In order to make reliable and valid decisions about a student's RTI, the school has to demonstrate to the BSE that they have an effective and sustainable multi-tiered system in place. Use of RTI as a methodology for SLD Determination requires approval from the BSE.

Q9: Does the collection of data within a multi-tiered system of support and/or the RTI assessment process replace the need for a comprehensive evaluation when a disability is suspected?

A: No. An RTI process does not replace the need for a comprehensive evaluation when a disability is suspected. A district may not use one single measure or assessment, so the RTI process by itself is not sufficient for determining whether a child has a disability. Multiple tools and strategies, including diagnostic and achievement testing, are necessary.

Q10: May schools use MTSS as a system and RTI as an assessment process to delay or deny a referral to special education?

A: No, a school **may not** use MTSS as a system or the RTI assessment process to delay or deny a referral for an evaluation to determine whether a child is eligible for special education. Parents have the legal right to ask the school to evaluate their child to determine whether he or she is eligible for special education services at any time.

Q11: Has the definition of a Specific Learning Disability changed?

A: The definition has remained a constant since 1975 and Public Law 94-142; and, it was believed that one of the best markers of SLD was a significant discrepancy between IQ and Achievement. What has changed are the regulations and guidelines to include movement away from IQ-Achievement Discrepancy criteria.

Per IDEA 2004, states cannot require districts to use IQ tests for SLD determination; and, districts are permitted to implement models that incorporate response to scientifically-based instruction (RTI).

**Q12:** Does federal law under the Individuals with Disabilities in Education Improvement Act (IDEA) stipulate that services provided to students with determined disabilities must be (a) individualized based on the assessed needs of each student and (b) include the least restrictive placement necessary to achieve students' personalized goals?

**A:** Yes. Determining the level of service and educational placement best suited to each student can be challenging. However, research is showing that there is a significant positive association between time spent in general education and performance on state assessments. Multi-tiered systems of support offer a continuum of evidence-based services and supports to all students, including students with disabilities within general education.

**Q13:** What is a comprehensive SLD evaluation?

**A:** Comprehensive evaluation and additional procedures for identifying children with specific learning disabilities can be found at 34 CFR 300.300 – 300.311. A comprehensive SLD evaluation is a data gathering process that must align with multiple inclusionary and exclusionary criteria. Eligibility

may not be based on a single measure or a rigid formula, meaning that a specific index of inadequate RTI, a fixed discrepancy number such as a 16 scaled score difference between ability and achievement, or a fixed low-achievement threshold would represent the use of a single criterion and would not **alone** meet the requirements for a comprehensive evaluation.

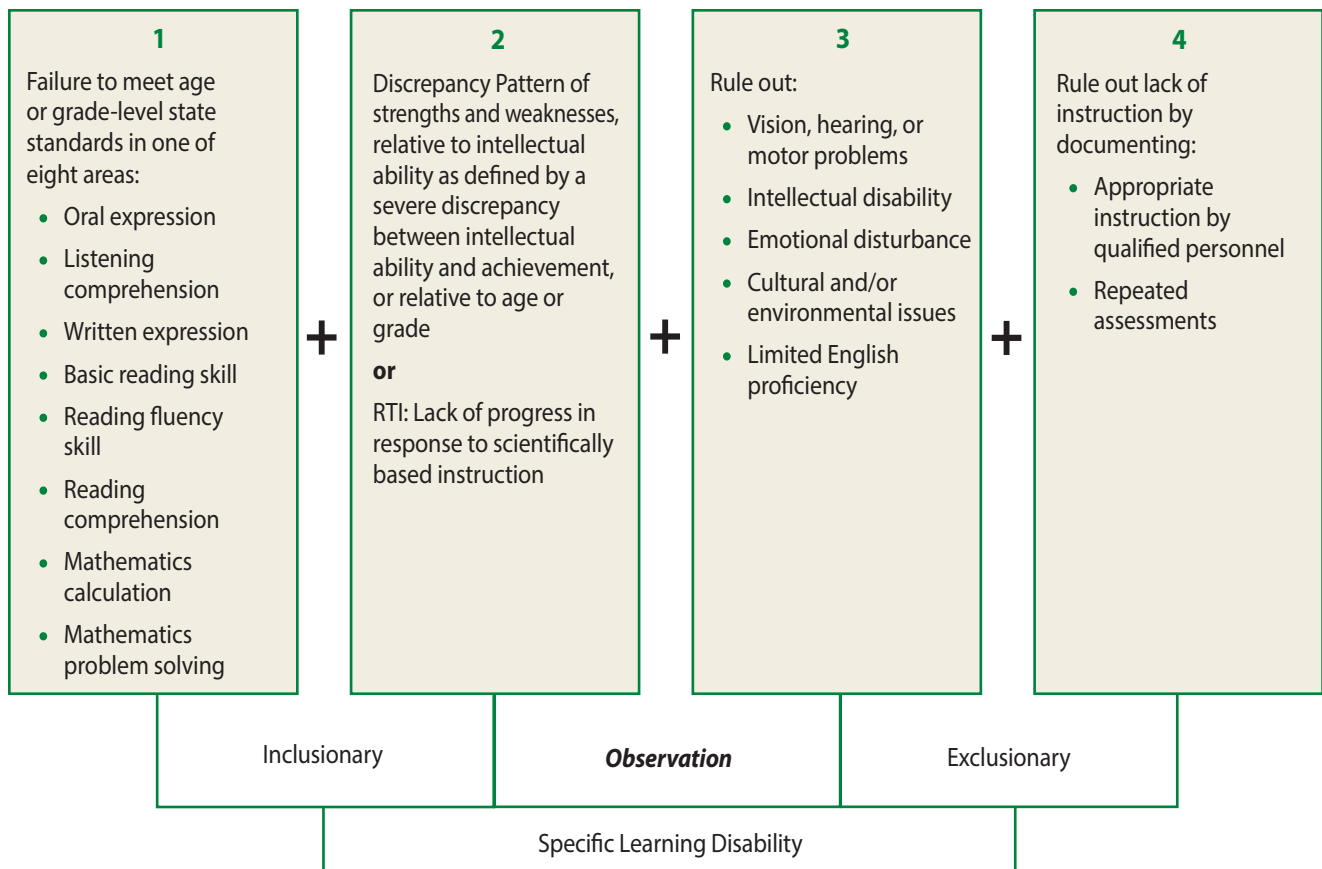
A visual depiction of a comprehensive SLD evaluation is featured in Figure 1 below.

**Q14:** Is there a universally agreed upon criterion or formula for determining adequate versus inadequate RTI?

**A:** No, even though there is no universally agreed upon criterion for operationalizing inadequate instructional response, inadequate response can be based on three types of data: (1) student growth over time (slope); (2) final status of the student's performance as measured, for example, by a standardized achievement test following an intervention or instructional period; or (3) a combination of the two – the rate of the student's progress or growth and the student's level or final status after a designated period of time (dual discrepancy).

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Figure 1. Visual Depiction of a Comprehensive SLD Evaluation



It is recommended that progress-monitoring data and the student's slope inform instructional intensity within tiered supports and services and that the student's final status on achievement measures be weighed more heavily to inform SLD identification.

**Q15: How do Child Find mandates fit within MTSS as a system and RTI as an assessment process?**

A: Regardless of the method a school uses (RTI or Ability-Achievement Discrepancy), LEAs must be in compliance with Child Find mandates. If there is evidence of adequate instruction and insufficient progress, it must be documented, and a referral under Child Find mandates must be made if the child has not made adequate progress after an appropriate period of time when provided with appropriate instruction. IDEA requires the sharing of data with parents, by including as part of the evaluation "data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction."

**Q16: If a student shows obvious signs of a severe learning disability, should the student be able to bypass receipt of tiered supports and services?**

A: The goal for all students is to be educated in the least restrictive environment, so to the extent that a student will be in a general education classroom, it would be important to carefully observe the student and capture progress monitoring data.

Given the signs of some significant learning problems, it will be important to move the student to more intense tiers of intervention (if there is evidence of inadequate or poor responsiveness) as quickly as possible to see how he/she responds to altered instructional approaches, configurations, and levels of intensity.

This information will be extremely valuable (and necessary) data to have should the student be referred for a comprehensive evaluation. Knowing how a student responds to the demands of the curriculum under altered instructional configurations will be essential information to inform diagnostic issues and specially designed instruction as warranted.

However, a parent request for an evaluation must be honored within the required timelines and **cannot** be delayed based on participation in the MTSS process. 22 Pa Code 14.123 (c) states: "Parents may request an evaluation at any time and the request must be in writing. The school entity shall make the permission to evaluate readily available for that purpose. If a request is made orally to any professional employee or administrator of the school entity, that individual shall provide a copy of the permission to evaluate form to the parent within 10 calendar days of the oral request."

**Q17: Isn't much of the data that are collected within a tiered system sufficient? How much more data are needed?**

A: Data from the RTI process can be a piece of the comprehensive evaluation for a child, but cannot be the sole source of information. Performance on standardized achievement tests, parent/teacher interviews, observational data, behavioral rating scales, and other data sources are needed.

**Q18: What if a parent requests an evaluation, but the school does not suspect that the child has a disability?**

A: If a district does not suspect that the child has a disability, it may deny the request for an initial evaluation. It must do so in a written notice explaining why the district is refusing the request and the basis for the decision. The written notice should explain how a parent can challenge the decision.

**Q19: Is there a difference between a specially-designed instruction within an IEP and what a child would receive within a tiered system of support, particularly at the Tier 3 supports and services level?**

A: In all states, once a student qualifies for special education, the IEP determines the services and accommodations/modifications that the student needs. This is a federal requirement, but many of the details about service delivery are left up to the student's individual IEP team. RTI is not a replacement for special education services.