



April 2008

TO: District Superintendents  
Superintendents of Public and Nonpublic Schools  
Presidents of Boards of Education  
Administrators of Charter Schools  
New York City Board of Education  
SETRC Project Directors and Professional Development Specialists  
Regional School Support Centers  
Organizations, Parents and Individuals Concerned with Special Education  
Commissioner's Advisory Panel for Special Education

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RE: Implementation of Response to Intervention Programs

The purpose of this memorandum is to encourage all school districts in New York State (NYS) to take timely actions to implement response to intervention (RtI) programs in its schools. RtI is a multi-tiered, problem-solving approach that identifies general education students struggling in academic and behavioral areas early and provides them with systematically applied strategies and targeted instruction at varying levels of intervention.

RtI represents an important educational strategy to close achievement gaps for all students, including students at risk, students with disabilities and English language learners, by preventing smaller learning problems from becoming insurmountable gaps. It has also been shown to lead to more appropriate identification of and interventions with students with learning disabilities. Each day educators make important decisions about students' educational programs, including decisions as to whether a student who is struggling to meet the standards set for all children might need changes in the nature of early intervention and instruction or might have a learning disability. This decision as to whether a student has a learning disability must be based on extensive and accurate information that leads to the determination that the student's learning difficulties are not the result of the instructional program or approach. RtI is an effective and instructionally relevant process to inform these decisions.

The NYS Education Department (NYSED) has established a policy framework for Rtl in regulations relating to school-wide screenings, minimum components of Rtl programs, parent notification and use of Rtl in the identification of students with learning disabilities. The Regents policy establishes Rtl as a school-wide system of organizing instruction and support resources to deliver high quality instruction to meet the diverse needs of learners and recognizes it as one of the research-based Contracts for Excellence allowable programs.

The Regents policy framework for Rtl:

1. Defines Rtl to minimally include:

- **Appropriate instruction** delivered to all students in the general education class by qualified personnel. Appropriate instruction in reading means scientific research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies.
- **Screenings** applied to all students in the class to identify those students who are not making academic progress at expected rates.
- **Instruction matched to student need with increasingly intensive levels of targeted intervention** and instruction for students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.
- **Repeated assessments** of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards.
- The **application of information** about the student's response to intervention to **make educational decisions** about changes in goals, instruction and/or services and the decision to make a referral for special education programs and/or services.
- **Written notification to the parents** when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about the:
  - amount and nature of student performance data that will be collected and the general education services that will be provided;
  - strategies for increasing the student's rate of learning; and
  - parents' right to request an evaluation for special education programs and/or services.

*[8 NYCRR section 100.2(ii)]*

2. Requires each school district to establish a **plan and policies for implementing school-wide approaches** and prereferral interventions in order to remediate a student's performance prior to referral for special education, which may include the Rtl process as part of a district's school-wide approach. The school district must **select and define the specific structure and components of its Rtl program**, including, but not limited to the:
  - criteria for determining the levels of intervention to be provided to students,
  - types of interventions,
  - amount and nature of student performance data to be collected, and
  - manner and frequency for progress monitoring.

*[8 NYCRR section 100.2(ii)]*

3. Requires each school district implementing a Rtl program to take appropriate steps to ensure that staff have the **knowledge and skills** necessary to implement a Rtl program and that such program is implemented consistent with the specific structure and components of the model.

*[8 NYCRR section 100.2(ii)]*

4. Authorizes the use of Rtl in the State's **criteria to determine learning disabilities (LD)** and **requires, effective July 1, 2012, that all school districts have an Rtl program in place as part of the process to determine if a student in grades K-4 is a student with a learning disability in the area of reading.** *“Effective on or after July 1, 2012, a school district shall not use the severe discrepancy criteria to determine that a student in kindergarten through grade four has a learning disability in the area of reading.”*

*[8 NYCRR section 200.4(j)]*

In addition to the above Rtl requirements, regulations adopted by the Regents regarding screening of students with low test scores now requires a review of the students' instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

- Students with low test scores must be monitored periodically through screenings and on-going assessments of the student's reading and mathematic abilities and skills.
- If the student is determined to be making substandard progress in such areas of study, instruction shall be provided that is tailored to meet the student's individual needs with increasingly intensive levels of targeted intervention and instruction.
- School districts must provide written notification to parents when a student requires an intervention beyond that which is provided to the general education classroom. Such notification shall include: information about the performance data that will be collected and the general education services that will be provided; strategies for increasing the student's rate of learning; and the parents' right to request an evaluation by the Committee on Special Education to determine whether the student has a disability.

An RtI process as described above will meet the section 117.3 requirements to ensure a student's progress toward meeting the State's standards.

The implementation of well-developed and high quality RtI programs takes time, planning and professional development. School districts should be taking steps now to develop such programs in order to position themselves to improve results for students and to meet the learning disability (LD) determination criteria by 2012.

NYSED will be issuing additional guidance on RtI and plans to establish a NYS Technical Assistance Center on RtI (RtI-TAC) to assist school districts in their development of such programs. In addition, NYSED will be providing start-up funding to approximately 14 schools to establish model RtI programs throughout the State. Additional information on the RtI-TAC and district grants will be forthcoming in future memoranda and will be posted on the VESID website at <http://www.vesid.nysed.gov/specialed/timely.htm>. The U.S. Department of Education has funded a National Technical Assistance Center on RtI. NYSED will be working closely with this Center to support NYS school districts as they develop and implement high quality RtI programs. Resources relating to RtI can be accessed at [www.rti4success.org](http://www.rti4success.org).

To ensure dissemination to appropriate individuals within a school district, we ask Superintendents to please share this memorandum with other individuals such as Assistant Superintendents for Curriculum and Instruction, Building Principals, Directors of Special Education, School Psychologists, Committee on Special Education Chairpersons, Guidance Counselors and Directors of Pupil Personnel.

Questions regarding this memorandum can be directed to the Office of Special Education at 518-486-7462 or 518-473-2878 and to the Office of Curriculum and Instructional Support at 518-474-8892.

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