

**K-4**

**HERRICKS UFSD  
RESPONSE TO INTERVENTION  
DISTRICT PLAN K-4**

**September 2011**

We would like to thank the following committee members who devoted many hours and much energy to developing the Herricks Response to Intervention Plan. Their insights, experience and professional judgments were invaluable. We would also like to thank Ms. Arlene Crandall, Rtl consultant, who assisted the committee by guiding us through the regulations and requirements of this mandate, and providing expertise that insured a comprehensive, instructionally sound program that fulfills the mandate and also serves the children of Herricks in the best possible way.

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## Table of Contents

### Introduction of Response to Intervention

	Page
I. Appropriate Instruction	1
II. Screenings Applied to All Students	3
III. Instruction Matched to Student Need	5
IV. Repeated Assessments of Student Achievement	9
V. Application of Student Information to Make Educational Decisions	12
VI. Consideration When Implementing RtI with Limited English Proficient English Language Learners (LEP/ELL)	14
VII. Parent Information and Notification	18
VIII. The RtI Process in Determining a Learning Disability	25
IX. Ensuring Staff Knowledge and Skills Necessary to Implement RtI Programs	30
Appendix A	32

## I. Appropriate Instruction

A school district's process to determine if a student responds to scientific, research-based instruction shall 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. [8 NYCRR sec.100.2 (ii)(1)(i)]

Appropriate instruction is defined in the “Response to Intervention: Guidance for New York State Districts – October 2010” as a core program that provides:

- high quality, research-based instruction to all students in the general education class provided by qualified teachers;
- differentiated instruction to meet the wide range of student needs;
- curriculum that is aligned to the NYS Common Core Learning Standards and performance indicators for all general education subjects; and
- instructional strategies that utilize a formative assessment process.

For high quality early literacy instruction, the core reading program should minimally be scheduled for an uninterrupted 60 minute block of instruction daily. (1)

The language in NCLB is more specific with regard to reading requirements than any prior education legislation. The language of NCLB was shaped around the 2000 National Reading Panel Report (NRP, 2000); the language states that scientifically based reading instruction should include instruction in phonemic awareness, phonics, fluency, vocabulary and comprehension, including the teaching of early literacy skills.

*No Child Left Behind* and the *Individuals with Disabilities Education Act* of 2004 both require use of scientifically based curricula and interventions. The purpose of this requirement is to ensure that students are exposed to curriculum and teaching that has demonstrated effectiveness for the type of student and the setting. Research-based, scientifically validated interventions/instruction provides our best opportunity to implement strategies that will be effective for a large majority of students.

Herricks has adopted an early literacy program that embraces all of the key areas noted in both NCLB and IDEA 2004. In addition, the district has been training teachers in various instructional methods that incorporate differentiated instruction to meet the needs of the variety of learners in the district. Information on the learning needs of English Language Learners (ELL) is part of this ongoing discussion and training. The district has used departmental meetings, grade level meetings, faculty meetings, professional development time as well as superintendent conference days to support the implementation of the plan.

Appropriate instruction for Limited English Proficient/ English Language Learners (LEP/ELL) students must be both culturally responsive and linguistically appropriate. This includes research-based instruction that has been validated with LEP/ELL students and bilingual and English as a Second Language (ESL) instruction, at levels pursuant to Part 154 of the Regulations of the Commissioner of Education. (2)

Instructional methods based on scientific research identify those practices that demonstrate high learning rates and improved academic performance for most students. Scientifically-based research:

- employs systematic, empirical methods that draw on observation or experiment
- involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions
- relies on measurements or observational methods that provide multiple measurements and observations
- has been accepted by the peer-reviewed journal or approved by a panel of independent experts through a comparatively rigorous, objective and scientific review. [No Child Left Behind (NCLB) Act of 2001] (3)

1. (The University of the State of New York, 2010 - Response to Intervention Guidance)

2. (The University of the State of New York, 2010 - Response to Intervention Guidance)

3. (The University of the State of New York, 2010 - Response to Intervention Guidance)

## **II. Screenings Applied to All Students**

### **Universal Screening**

Screening is conducted to identify or predict students who may be at risk for poor learning outcomes. Universal screening tests are typically brief, conducted with all students at a grade level, and followed by additional testing or short-term progress monitoring to corroborate students' risk status.

In screening, attention should focus on fidelity of implementation and selection of evidence based tools, with consideration for cultural and linguistic responsiveness and recognition of student strengths.

### **Assessments**

Curriculum Based Measures are used for Universal Screening in AIMSweb because they help to hone in on the essential elements of reading in the five pillars (phonemic awareness, phonics, fluency, vocabulary, and comprehension). Informal assessments such as running records are also used and offer additional information to inform decision making.

### **Protocols**

Universal Benchmarks follow a set schedule (as determined by building principals), and there are protocols in place to ensure proper administration of assessments and inter-rater reliability. At the start of each benchmark screening period, interventionists or classroom teachers with experience administering the assessments with fidelity will observe classroom teachers and one another to ensure inter-rater reliability, and will provide feedback as needed.

- Teachers coordinate assessment schedule
- One teacher observes the other administering the assessment
- Observing teacher notes fidelity of administration and scoring of assessment
- Observing teacher gives feedback

These measures will be repeated for each new assessment that is added throughout the year.

### **Analyzing Data**

After each benchmark period (fall, winter and spring), Data Management Teams at each building will convene. The teams are comprised of interventionists (which may include reading teachers, speech language teachers, special education teachers, ESL teachers, and other support staff as appropriate) who will meet with classroom teachers to discuss the students' performance on the screening (benchmark assessment). Although teams will consider benchmarks and cut points, they will also consider other factors, including the results of informal assessments such as running records, along with any other information teachers provide. The teams will determine

which students are not meeting benchmarks, and will then decide what type of monitoring and intervention that a student needs, as part of a hybrid approach to assessment and intervention.

Data Management Teams will analyze the data at least three times a year at the end of the benchmark assessment periods, but may meet more often if the need arises. The use of informal assessments during the course of instruction can provide teachers with additional information on which to base instructional decisions. These informal assessments include Early Literacy Profile (ELP) and Running Records benchmarks. A combination of the AIMSweb Reading- CBMs and informal, ongoing assessments (checklists, reading inventories, running records) completed by teachers to monitor progress are recommended so that use of CBM is not the sole index of progress, which could lead to unintended consequences such as children being fast and accurate in word reading, but inattentive to the meaning of what is read.

The ELP and Running Record benchmarks are established by Teachers College Reading/Writing Project (refer to attached charts in appendix V).

### **III. Instruction Matched to Student Need**

#### **Multi-Tier Service Delivery Model**

##### **Tier I Instruction:**

##### **Description of Core Instruction:**

Core instruction takes place in the general education classrooms and includes all students. Instruction is aligned with the NYS Common Core Learning Standards. It includes research-based instruction that meets the needs of 80% of learners, many of whom benefit from differentiated instruction and independent projects. The components are phonemic awareness, phonics instruction, vocabulary, fluency, and comprehension. The core instruction includes differentiation based on the abilities and needs of all students. A universal screening using research-validated assessments is given to all students three times a year (fall, winter, and spring) and is also aligned to the grade level curriculum, which is based on the NYS Common Core Learning Standards. (Refer to Appendix A for listing of specific strategies and inventories.)

We have put in place a number of research-based practices within the core instructional program which include leveled classroom libraries that allow for choice and reading volume; a classroom instructional balance of large and differentiated, small group instruction; and the utilization of assessment data in all of the five areas above to drive instruction and provide additional support in the mainstream classroom. Classroom teachers utilize and/or develop research-based strategies that target students' deficiencies through supplemental intervention in the general education classroom. These are more intensive interventions than classroom instruction, either having smaller group size or additional time outside of classroom literacy times.

The foundation of core instruction for LEP/ELL students should be culturally responsive and linguistically appropriate at levels pursuant to Part 154 of the Regulations of the Commissioner of Education.

##### **Tier 2: Students Receive Core Instruction Plus Targeted Intervention**

Tier 2 is a secondary intervention intended for 10 - 15% of students who are not responding to core instruction at Tier 1. This supplemental instruction is provided **in addition to**, and not in place of, the core instruction provided in Tier I. Tier 2 interventions focus on areas of student need or weakness that are determined from the results of the Universal Screening (AIMSweb). The data teams additionally review Benchmark Assessments, which include:

- Teachers College RWP
- Foundations Unit Tests
- Early Literacy Profiles
- NWEA – reading grades 3-4



Tier 2 Interventionists may include:

- Classroom Teachers
- Special Education Teachers who provide RtI support
- Reading Teachers
- ESL Teachers
- Speech/Language Teachers
- Other highly qualified interventionists

The location of a Tier 2 intervention may be the classroom or an alternate location to be determined by the school. Group size is approximately 3 - 5 students. Frequency of intervention provided varies; however, it is no less than three times per week for a minimum of 20 - 30 minutes per session. The duration of the intervention may last anywhere from 6 - 12 weeks.

Tier 2 interventions should be supported by research and vary by curriculum focus, group size, frequency, and duration. Individual student's needs affect the determination of these variables.

Some students who receive a Tier 2 intervention will be monitored using AIMSweb Strategic Monitoring probes or Progress Monitoring probes and some will be strategically monitored depending on students' levels. Once it is determined that a Tier 2 intervention is required, the student will receive direct, systematic, research based instruction. (Refer to Appendix A for specific recommendations. One or more of the following research-based interventions may be chosen as a course of action.)

### **Tier 3: Core Instruction plus Customized Intervention**

Tier 3 provides tertiary intervention intended for about 1 - 5 % of students who are not responding to instruction at Tiers 1 and 2. The third tier of this model creates intensive instructional interventions to increase an individual student's rate of progress. This tier provides greater individualized instruction in an individualized, small group session. These services are considered supplemental instruction to Tier 1 and are not intended to replace Tier 1 instruction. Individual diagnostic assessments are conducted to determine specific patterns of skills that the individual has and does not have for the purpose of designing effective instruction to remediate the student's deficits. Some or all of the following assessments may be used to design such instruction.

- Teachers College RWP
- Foundations Unit Tests
- AIMSweb Universal Screening
- Early Literacy Profiles
- NWEA

Tier 3 interventionists may include:

- Special Education Teacher
- Reading Teacher
- ESLTeacher

The location of a Tier 3 intervention is usually outside of the classroom. Group size is approximately 2 - 3 students. Frequency of intervention provided varies, but it is more frequent than Tier 2 interventions and for a time period of thirty minutes. The duration of the intervention may last anywhere from 8-16 weeks. Students who receive a Tier 3 intervention will be monitored for progress using weekly AIMSweb Progress Monitoring probes. Students in Kindergarten and First grade will also receive bi-weekly Foundations Probes to monitor progress if their Tier 3 intervention is a Double Dose of Foundations. Once it is determined that a Tier 3 intervention is required, one or more of the following research-based interventions may be chosen as a course of action.

- Foundations Double Dose
- Pull Out Reading Services
- Wilson/Just Words Reading programs

**In accordance with section 100.2 of the Regulations of the commissioner of Education, when a student requires an intervention beyond that provided to all students and begins receiving Tier 2 intervention parents must be notified in writing.** Parents are informed of increasing levels of instructional supplemental services including progress monitoring data, strategies used to increase student's rate of learning and right to refer for special education services.

**Table: Description of Critical Elements in a 3-Tier RtI Model**

The following table outlines the essential features of a three-tier model of RtI including suggested ranges of frequency and duration of screening, interventions and progress monitoring. This is intended as guidance for the district as they determine the various components of their RtI model.

<b>Elements</b>	<b>Tier 1 Core Curriculum and Instruction</b>	<b>Tier 2 Supplemental Instruction</b>	<b>Tier 3 Increased levels of Supplemental Instruction</b>
Size of Instructional group	Core Reading Program Differentiated small group reading instruction based on formative assessments	Small group instruction (approximately 3-5 students)	Individualized, small group instruction (approximately 2- 3 students)
Mastery requirements of content	Relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring	Relative to the cut points identified on criterion screening measures and continued growth as demonstrated by progress monitoring	Relative to the student's level of performance and continued growth as demonstrated by progress monitoring.
Frequency of progress monitoring	Screening measures three times per year	Varies, but no less than once every month	Varies, but more continuous and no less than once a week
Frequency of Intervention provided	Per school schedule	Varies, but recommended no less than three times per week for a minimum of 20-30 minutes per session	Varies, but more frequently than Tier 2 for a minimum of 30 minutes per session
Duration of Intervention	School year	6-30 weeks	A minimum of 8 - 16 weeks

Adapted and reprinted from Johnson, E. Mellard, D., Fuchs, D., McKnight, M. for NRCLD (2006 August) Responsiveness to Intervention (RtI): How to Do it.

## **IV. Repeated Assessments of Student Achievement**

### **Purpose and Use of Progress Monitoring:**

*The National Center on Response to Intervention refers to progress monitoring as repeated measurement of academic performance to inform instruction of individual students in general and special education in grades K-8. It is conducted at least monthly to (a) estimate rates of improvement, (b) identify students who are not demonstrating adequate progress and/or (c) compare the efficacy of different forms of instruction to design more effective, individualized instruction.*

### **Strategic Monitoring vs. Progress Monitoring**

Some students may need once monthly strategic monitoring (Tier 1 and some Tier 2 students-to be done by the classroom teacher for students who are performing only slightly below average, as determined by AIMSweb and running records data), and some students may need weekly or bi-weekly progress monitoring (Some Tier 2 students & all Tier 3 students to be done by the interventionists for students who are performing well below average on AIMSweb assessments and running records). Data Management Teams will decide which type of monitoring is appropriate based on data from benchmark assessments and teachers' observations.

### **AIMSweb Strategic Monitoring**

Strategic monitoring is the responsibility of the classroom teacher when Tier 2 interventions are provided. The probes that are given are in the specific areas decided at the Data Management Meetings. These probes are administered once a month for children who score within the yellow range of the Program Recommendations Report.

### **AIMSweb Progress Monitoring**

Progress monitoring is usually the responsibility of the interventionist responsible for providing the intervention. Probes are administered weekly. The probes that are given are in the specific areas decided at the Data Management Meetings. Students who are progress monitored are typically students whose scores fall within the red range of the Program Recommendations Report.

### **Steps for Progress Monitoring Using AIMSweb**

- Check the student's baseline score on the benchmark assessment (universal screening).
- Find the AIMSweb Rate of Improvement (ROI). Multiply the ROI by the number of weeks in the intervention. Then multiply that product by two (to close the gap). Add the result to the baseline score to determine the goal for the intervention period. Alternative

methods of goal setting may be appropriate at times based on student data and team recommendations.

- Enter weekly progress monitoring scores.
- Check the students ROI weekly and note progress toward goal or lack thereof.
- If student is progressing on target, continue current intervention until the next benchmark assessment.
- If student is not progressing on target, reconvene team (classroom teacher and interventionist(s)) to discuss data and to consider modifying intervention.

### **Data Review**

AIMSweb includes procedures for setting goals and monitoring rate of improvement (refer to attached chart). The data teams will analyze the comprehensive data and determine if the slope or percentage of mastery shows responsiveness to the intervention. AIMSweb recommends a minimum of 6 -10 data points to make reliable decisions about student progress. Four data points either consistently above or below the target line may prompt a meeting of the interventionist(s) and the classroom to change intensity or frequency of intervention. If the data shows that the student has achieved the targeted goal, he/she may move from Tier 2 to Tier 1. Conversely, if a student is not progressing toward goals, the data management team may decide that a Tier 3 intervention is necessary.

- Team meetings can be conducted every six to eight weeks to review data, change intervention, and examine student growth.
- Generally we wait six data points before any change in intervention.

### **Steps for Monitoring Progress Using Running Records**

- Record student's independent reading level based on benchmark assessment data.
- Plot level on graph (refer to attached graph in Section V).
- Establish goal for end of monitoring period using established TCRWP benchmarks as guide, along with other information about the student.
- Determine frequency of progress monitoring based on student's starting level and goal.
- Plot the results of each running record. Note any relevant information about the student's strengths and weaknesses decoding, comprehension (literal and inferential), fluency, and reading rate.
- If student is progressing on target, continue current intervention until the next benchmark assessment.
- If student is not progressing on target, reconvene team (classroom teacher and interventionist(s)) to discuss data and to consider modifying intervention.

## **Use of Universal Screening Data and Progress Monitoring by Tier**

### **Tier 1**

Data from universal screening assessments and progress monitoring will inform students' movement among tiers. The data can be plotted on graphs and used in Tier 1 to decide if students are progressing, and it may confirm or refute the results of the screening level assessment. The data can also inform decisions about core curriculum instruction.

### **Tier 2 and 3**

In Tier 2 and Tier 3, strategic monitoring and progress monitoring are used to determine whether or not the intervention is helping students to progress adequately toward grade level expectations. Analysis of progress will take into account a student's learning rate as compared to prior levels of performance, peer growth rate, and to expected performance based on criterion- or norm-referenced measures. Graphs are used to display data for analysis and decision making.

## **V. Application of Student Information to Make Educational Decisions**

### **Decision Making-Models**

When Data Management Teams and RtI Teams meet to discuss students and their progress, they will use a hybrid decision making model. Although certain situations lend themselves more to one type of protocol than the other, we will avail ourselves of both in order to meet diverse students' needs.

### **Standard Protocol Model**

A standard protocol model will typically be used when addressing the needs of students who struggle at the word level. In most cases, the intervention for these students will be Foundations, Just Words or Wilson Reading program. These are primarily scripted intervention protocols that are applied in a standardized way. In the event that these standard protocols are unsuccessful, or if the student is not integrating decoding strategies into real-world reading, a problem-solving model will then be employed.

### **Problem-Solving Model**

A problem-solving protocol will typically be used when addressing the needs of students who struggle in the area(s) of vocabulary development, fluency, and/or comprehension. Using this protocol, teams will identify the key learning issues, decide what types of targeted instruction and interventions are needed, and evaluate the effectiveness of the intervention(s) over time by examining data from progress monitoring and informal assessments.

### **Decision-Making Model Combined**

The hybrid approach will include using multiple assessments to determine instruction and interventions. These may include, but are not limited to AIMSweb, Teachers College [TCRWP] Early Literacy Profile, Running Records and NWEA (including longitudinal running record charts for Tier 2 and 3 learners), and observational data.

### **Time-Frames**

Duration and intensity of interventions will be based upon student performance data, not a specified period of time. Effective data-based decision making includes regular review of data as appropriate to the intervention being monitored, sufficient number of data points, analysis of trend or trajectory toward grade level achievement (i.e., *Is student closing gap?*), visual representation of trend (i.e. graph), and a discussion about intervention fidelity (program fidelity where applicable).

### **Criteria for Decision Making**

- If fewer than 80 percent of all students are meeting benchmarks on the universal screening assessment – then a review of the fidelity to the core curriculum or the core curriculum itself may be conducted (Tier 1).

- Students who are at-risk are determined by the following decision rules:  
Students below the 25<sup>th</sup> percentile or receiving a benchmark of 2 on various reading assessments (i.e. AIMSweb MAZE or R-CBM; TCRWP benchmarks for reading level, rate, concepts of print; NYS ELA, etc.) are to be placed in small group instruction. This support may be provided by the classroom teacher or interventionist as a pull-out or push-in service (Tier 2 and 3).
- Decision rules for students who are receiving Tier 2/Tier 3 interventions:  
When progress monitoring data remain below the target (goal) line, and when six or more data points are flat, decreasing or inconsistent, school staff should reconvene a team meeting. The team will utilize the data to consider whether an intervention needs to be changed.  
When progress monitoring data meet or exceed the target (goal) line for a period determined by the team, usually six or more data points, the team will consider whether the student no longer requires intervention.



## **VI. Considerations when Implementing RtI with Limited English Proficient/English Language Learners**

### **English Language Learners (ELLS)**

The New York State Education Department cites considerations when implementing RtI with English Language Learners:

- Teaching is culturally responsive - The student's prior experiences are considered. These include home language background and socio-cultural background.
- Reading Instruction - Teachers should consider the relationship between a student's language proficiency and his/her literacy skills. Reading fluency and comprehension may be strongly determined by vocabulary and linguistic proficiency of both the first and second languages.
- Math Instruction - Linguistic proficiency and vocabulary comprehension are important when understanding math concepts. Several concepts of math are not necessarily universal.
- When designing the school district's RtI process, *literacy and oracy in both native and second languages, culture, and educational history* are variables to be considered when assessing and planning instruction for ELLs. In all three tiers, these variables stay consistent.
- ESL is an integral part of core instruction for all LEP/ELL students. (Part 154 of the Regulations of the Commissioner of Education)

### **Matching Instruction to Student Need**

Differentiated instruction should be used for ALL students. However, differentiated instruction for ELLs should consider the student's level of English proficiency and prior educational experiences to address cultural and linguistic differences.

When determining appropriate instruction/intervention, the following list applies to **all levels** of ELL students:

- Consider the amount and type of ESL instruction the student received in the past and in the present.
- If applicable, consider the amount and type of native language instruction in the past and in the present.
- Ensure that the language(s) used for intervention matches the language(s) used for core instruction.
- Consider the impact of language and culture on instruction and learning.
- Contact the family for guidance and feedback.
- Ensure that certified ESL teachers serve on the instructional decision-making (RtI) team.

**Tiers** - ESL methodology is employed at all three tiers to help rule out limited English proficiency or lack of appropriate instruction as causes for learning disabilities. Tier 1, Tier 2, and Tier 3 services may be provided by the ESL teacher and/or by classroom teacher/interventionists.

**Tier 1** - The core instruction guidelines for differentiating instruction to meet the needs of ELLs are:

1. ***If possible***, analyze assessment/screening data to determine performance levels in both L1 (primary language) and L2 (secondary language). AIMSweb will be used for universal and progress monitoring along with TCRWP benchmarks.
2. Use these assessments to plan instruction.
3. Differentiate this instruction based on: academic performance levels, the student's L1 and L2 levels, and the cultural background of the student.

**Tiers 2 & 3** - Identical to native speakers of English, ELL students who continue to struggle with the academic material will need further intervention. The problem-solving team should:

1. Review and analyze the data collected in Tier 1 documentation and conduct further assessments as needed, and make recommendations for Tier 2 intervention(s). Include explanation of how instruction was differentiated, amount and type of ESL instruction, and amount and type of native language instruction, if applicable.
2. Select the instructional areas that need more intense intervention.
3. Determine the extent of ESL instruction needed during Tiers 2 and 3 interventions to ensure the student will benefit from the interventions.

### **Progress Monitoring**

When monitoring the progress of ELL students:

1. On-going assessments should be conducted in the language(s) of instruction .
2. When evaluating instructional programs, the results of instruction should be compared to results for "true peers" (students with the same native language and culture and similar educational histories) when setting benchmarks, monitoring progress and deciding whether a LEP/ESL student is responding adequately to instruction or requires a more intensive intervention.
3. If possible, the comparative sampling of true peers should be large enough for making educationally valid decisions.
4. Knowledge of typical second language development and the student's history of first and second language use should be considered when setting benchmarks and interpreting progress.

### **Basic Interpersonal Communication Skills (BICS) Versus Cognitive Academic Language Proficiency (CALP)**

At times, teachers may refer students for evaluation of learning and behavior problems because they do not believe that limited English proficiency is the issue. A student may be observed using English on a regular basis and the conclusion is made that language transition is no longer a factor. However, it is important to discriminate between basic interpersonal communication skills (BICS) and cognitive academic language proficiency (CALP) in the second language. These acronyms are part of a language proficiency theory developed by Jim Cummins (1984) that explains the differences between social and academic languages, respectively. BICS is the basic language ability necessary for face-to-face social communication. It includes gestures, visual clues, and expressions, and it relies on situational context. It takes one to two years to achieve age-appropriate levels in BICS. CALP is the language ability necessary for academic achievement in a context-reduced environment such as classroom lectures and textbook reading. It takes five to seven years to achieve age-appropriate levels of CALP - with minimal assistance provided.

The following research-based table indicates the length of time it takes to acquire various proficiency levels for non-English speaking student receiving one hour of assistance in English instruction each day in a public school. It includes descriptions of what the student is able to do with language within the classroom context at various levels of acquisition.

(Collier, 2011. pp 33-34)

The table below provides an overview of the areas of language development which may be assessed to differentiate between linguistic differences and possible speech or language disability:

**Differentiation Between Language Differences vs. Language Disability**

<p><b>Table 1 LANGUAGE AREAS</b> <b>LANGUAGE AREAS</b></p>	<p><b>DIFFERENCE</b></p>	<p><b>POSSIBLE DISABILITY/ CONCERNS</b></p>
<p><b>Pragmatics:</b> <b>The rules governing social interactions (e.g. turn taking, maintaining topic of conversation).</b> : The rules governing social interactions (e.g. turn taking, maintaining topic of conversation).</p>	<p>Social responses to language are based on cultural background (e.g., comfort level in asking or responding to questions). Pauses between turns or overlaps in conversation are similar to those of peers with the same linguistic and cultural background.</p>	<p>Social use of language or lack thereof is inappropriate (e.g., topic of lesson is rocks and the student continues to discuss events that occurred at home without saying how they relate to rocks).</p>
<p><b>Syntax:</b> <b>The rules governing the order, grammar, and form of phrases or sentences</b> : The rules governing the order, grammar, and form of phrases or sentences</p>	<p>Grammatical errors due to native language influences (e.g., student may omit initial verb in a question—<i>You like cake?</i> (omission of <i>Do</i>). Word order in L1 may differ from that of English (e.g., in Arabic, sentences are ordered verb-subject-object while Urdu sentences are ordered subject-object-verb).</p>	<p>Grammatical structures continue to be inappropriate in both languages even after extensive instruction (e.g., student cannot produce the past tense in either Spanish or English indicating difficulty with grammatical tenses).</p>
<p><b>Semantics:</b> <b>The rules pertaining to both the underlying and the surface meaning of phrases and sentences</b> : The rules pertaining to both the underlying and the surface meaning of phrases and sentences</p>	<p>A student whose native language is Korean may have difficulty using pronouns, as they do not exist in his/her native language. A student may use words from L1 in productions in L2 because of his inability or unfamiliarity of the vocabulary in L2 (e.g., "<i>The car is muy rapido.</i>" In this case, the student knows the concept as well as the needed structure but cannot remember the vocabulary).</p>	<p>Student is demonstrating limited phrasing and vocabulary in both languages (e.g., his/her sentences in both languages demonstrate limited or no use of adjectives and adverbs and both languages are marked by a short length of utterance).</p>

## **VII. Parent Information and Notification**

Parents are exposed to the concept of Response to Intervention through district informational parent meetings and letters. This information should provide a rationale for RtI and the procedures put in place to address the state and national regulations. The following information should be provided to parents.

Herricks incorporates a **Response to Intervention ( RtI)** model at the K-5 level in the area of Reading. Herrick's model provides interventions at the *universal*, *targeted*, and *intensive* levels, with standard intervention protocols for each level of intervention.

1. *Universal level*: These are research based interventions used with all students at a particular age or grade level in the classrooms.

2. *Targeted level*: These are research based (supplemental) interventions used with students whose progress places them at some risk for not meeting instructional goal.

3. *Intensive level*: These are research based interventions used with students whose progress places them at high risk for not meeting instructional goals and may required more individualized instructional approaches.

Within the RtI model, Herricks collects **progress monitoring data** on a schedule that:

- Allows comparison of your child's progress to the performance of peers.
- Is appropriate to your child's age and grade placement.
- Is appropriate to the content monitored and
- Allows for interpretation of the effectiveness of the intervention.

Herricks School District uses a balanced literacy program. At each grade level, a significant amount of time is allotted to reading instruction for all students. For students identified as needing supplemental instruction, each school offers a range of interventions through **general education**. Students are grouped according to ability and need and available groups range in size from two to six. The district monitors reading progress of all K-5 students three times a year. For students needing supplemental instruction, data is collected in a smaller period of time, such as, weekly or monthly.

The school will tell you whether your child begins to make sufficient progress or if your child **continues to have difficulty**. If you and the school have tried several interventions and progress is still limited, you may want to consent to an evaluation. The purpose of the evaluation is to determine what your child's educational needs are and to consider whether he or she may have a learning disability.

**Parents are essential to a child's success in school.** When a child needs supplemental instruction, school staff will describe that instruction to you. School staff may also ask you to tell

them anything that you think may affect your child's learning (i.e. frequent absences, trauma, problems with friends, etc) and work with you to design an effective intervention for your child. Parents are encouraged to partner with the school to provide extra practice to develop skills.

**A parent may request an evaluation for special education at any time**, including during any stage of the RtI process. To request an evaluation, contact the principal, a special education teacher or psychologist at the school, or the district's Director of Pupil Services.

### **Procedures for Notification to Parents**

*A school district's process to determine if a student responds to scientific, research-based instruction shall include **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:*

*(a) the amount and nature of student performance data that will be collected and the general education services that will be provided pursuant to the structure and components of the RtI program selected by the school district;*

*(b) strategies for increasing the student's rate of learning; and*

*(c) the parents' right to request an evaluation for special education programs and/or services.*

[8NYCRR 100.2(ii)(1)(vi)]

The RtI process includes specific parent notification requirements. Parents must be notified, in writing and where possible, in a language or mode of communication they understand, if their child needs an intervention beyond that which is provided to all students in a classroom.

Parents receive written notification when the student begins/ends intervention services and the student moves from tier to tier. This notification is sent by the principal. These letters include the following information:

- reasons (amount and nature of data)
- area of instruction
- frequency and intensity of services.

The letter should clearly explain the universal screening monitoring device

- AIMSWEB for K-4
- ELP for K-2
- Running records using Teachers College benchmarks for 3-5
- Dial for Kindergarten

Additional services provided will be based on the results of the universal screening.

The district will establish clear procedures for communicating progress monitoring data three times a year, which may include:

- AIS Report Card
- ELP/Running Records Benchmarks
- AIMSWEB Benchmark parent reports

Parents should be notified of their right to request an evaluation for special education services at any time. In the event a student is referred for an evaluation to determine if the student has a learning disability, the parent will have received appropriate data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. (8NYCRR 200.4 (j) (1) (ii) (b))

## VIII. The RtI Process in Determining a Learning Disability

This information is from the New York State “Response to Intervention: Guidance for New York State School Districts” (October 2010) and the “Individuals with Disabilities Education Improvement Act” (IDEA, 2004).

According to Federal Law, A Specific Learning Disability is defined as follows:

- (i) General. The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- (ii) *Disorders not included.* The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

The data obtained through RtI can help document that the reason for a student’s poor performance in meeting reading benchmarks is not due to a lack of appropriate instruction or limited English proficiency. RtI can give important descriptive information about a child that can accompany data obtained from an individual evaluation, such as how a child learns, and why the child is having difficulties reaching standardized benchmarks.

Comprehensive and multidisciplinary evaluations include a social history, psychological evaluation and observation, physical evaluation, and any other appropriate evaluations (educational, speech and language, occupational or physical therapy). This information, taken together with Student Centered Data and information on instructional strategies used throughout the RtI process, provides important information to the Committee on Special Education (CSE) about the student’s progress in meeting State approved grade level standards and benchmarks. When determining if a student has a learning disability, a number of exclusionary factors must also be taken into account, such that a learning disability is not the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or of environmental, cultural, or economic disadvantage. This data presented to the CSE should include but is not limited to:

- Data that demonstrate that a student was provided appropriate instruction delivered by qualified personnel, including research based instruction in reading.
- Progress monitoring data that describe how a student responded to particular interventions of increasing intensity
- Instructional information on a student’s skill level and rate of learning relative to grade level standards on criterion referenced benchmarks; and
- Evaluative data including Curriculum Based Measures (CBM) regarding a student’s performance that is useful and instructionally relevant.

For evaluation by the CSE Committee, data from multiple sources must indicate that when a student receives appropriate instruction, he/she:



- does not adequately achieve grade level standards and benchmarks in the area of reading;

**and**

- **a)** is not making sufficient progress in meeting these benchmarks when provided with appropriate instruction that is consistent with an RtI Model;

**or**

- **b)** exhibits a pattern of strengths and weaknesses in performance and/or achievement relative to age or grade level standards as found relevant by CSE;

**and**

- has learning difficulties that 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.

The following document specifies the criteria that must be considered as part of the RtI process when a learning disability is suspected. This document was taken from the New York State “Response to Intervention: Guidance for New York State School Districts” (October 2010) document.

## **DOCUMENTATION OF THE DETERMINATION OF ELIGIBILITY FOR A STUDENT SUSPECTED OF HAVING A LEARNING DISABILITY**

Section 200.4(j)(5) of the Regulations of the Commissioner of Education requires that the committee on special education (CSE) prepare a written report of the determination of eligibility of a student suspected of having a learning disability that contains a statement of the following information:

1. The CSE has reviewed the individual evaluation results for \_\_\_\_\_, which indicate that the student:
  - has a learning disability requiring special education services.
  - does not have a learning disability.
  
2. This decision was based on the following sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student’s physical condition, social or cultural background, and adaptive behavior in accordance with section 200.4(c)(1) of the Regulations:
  
  
  
  
  
  
  
  
  
  
3. The relevant behavior noted during the observation of the student and the relationship of that behavior to the student’s academic functioning indicate:
  
  
  
  
  
  
  
  
  
  
4. The educationally relevant medical findings, if any, indicate:
  
  
  
  
  
  
  
  
  
  
5. To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures pursuant to section 200.4(b) and (c), consider:
  - data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel.

**AND**

  - data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

6. The CSE has determined, consistent with section 200.4(j)(3) of the Regulations, that:

- the student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving;

**AND**

- the student either does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in this paragraph when using a process based on the student's response to scientific, research-based intervention pursuant to section 100.2(ii);

**OR**

- 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 CSE to be relevant to the identification of a learning disability, using appropriate assessments consistent with section 200.4(b).

**AND**

- the student's learning difficulties 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.

7. Complete this item if the student has participated in a process that assesses the student's response to scientific, research-based intervention.

- The following instructional strategies were used and student-centered data was collected:

**AND**

- Document how parent's were notified 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 the parents' right to request an evaluation for special education programs and/or services.



8. CSE Member Certification of the Determination of a Learning Disability:

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the CSE, which must include the student's regular education teacher and a person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher). Each CSE member must certify in writing whether the report reflects his or her conclusion. If not, the member must submit a separate statement presenting his or her conclusions.

<b>Title</b>	<b>Signature</b>	<b>Agree</b>	<b>Disagree</b>
District Representative	_____	<input type="checkbox"/>	<input type="checkbox"/>
Parent of Student	_____	<input type="checkbox"/>	<input type="checkbox"/>
Regular Education Teacher	_____	<input type="checkbox"/>	<input type="checkbox"/>
Special Education Teacher	_____	<input type="checkbox"/>	<input type="checkbox"/>
School Psychologist	_____	<input type="checkbox"/>	<input type="checkbox"/>
Parent Member	_____	<input type="checkbox"/>	<input type="checkbox"/>
Others: Specify	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>
	_____	<input type="checkbox"/>	<input type="checkbox"/>

Date: \_\_\_\_\_

## **IX. Ensuring Staff Knowledge and Skills Necessary to Implement RTI Programs**

A school district shall take appropriate steps to ensure that staff has the knowledge and skills necessary to implement a response to intervention program and that such program is implemented consistent with the specific structure and components of the RTI process selected by the school district.

(8 NYCRR100.2 (ii)(3))

### **Fidelity of Implementation:**

Fidelity addresses not only the steps involved in an intervention, but also the integrity of the screening and progress monitoring procedures as well. In order to ensure high levels of fidelity, the district will make sure that staff receives appropriate and sustained professional development relative to assessment procedures and interventions. These professional development activities may include, but are not limited to:

- Job embedded and on-going training as part of the district’s overall professional development plan.
- Professional development provided by staff that are knowledgeable in the areas of early literacy, data-based decision making and progress utilizing:
  - District staff development hours
  - Summer workshops for teachers
  - Professional conferences
  - Turnkey trainers

Fidelity of the process at the school level means consistency with which the various components are implemented across classrooms and grade levels. Fidelity of Implementation will be monitored by building level IST teams and building administrators to ensure that:

- Instruction and intervention are implemented consistent with research or evidence-based practice. (Refer to Appendix A)
- Screening and progress monitoring procedures (which may include AIMSweb, Foundations Unit tests, TCWRP running records and benchmark, and NWEA) are administered in a standardized manner, and an explicit decision-making model is followed.
- Staff receive professional development
- Building Administrators will provide supervision and serve as instructional leaders to ensure that individuals within the building and/or district have a whole-picture understanding of the model, know what data can be collected to evaluate systematic implementation, and have the skill to understand and analyze data

**District RtI Committee**

The district RtI Committee will develop strategies for evaluation of implementation and effectiveness of the model from initial steps forward. These evaluations should describe progress over the year and allow for adjustment to the RtI process if necessary.

