



# **Response to Intervention Framework**

## **2014**



# **NEW MEXICO RESPONSE TO INTERVENTION FRAMEWORK MANUAL**

December 2014

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## INTRODUCTION

The *New Mexico Response to Intervention Framework 2014* manual details the instructional framework and guidance on the Response to Intervention (RtI) process in New Mexico. This manual includes a section on each of the three instructional tiers, a glossary of key terms, sample forms to assist with the Student Assistance Team (SAT) process, and key resources for teachers.

### *RtI Framework Essential Understandings*

- High-quality instruction and differentiation for *all* students are essential components of all three tiers.
- Interventions become more targeted and increase in intensity in each successive tier.
- There is a team approach of support for teachers, students and families at each tier.
- Each school and district shall have an RtI implementation plan based on the New Mexico RtI framework. The implementation of RtI at each district and school may vary, based on their individual implementation plan.

**Tier 1** is core instruction and differentiation for all students. This tier is about high-quality teaching using differentiated instruction and data-based targeted interventions to ensure learning for all students. The Tier 1 approach is proactive, preventative, and provides interventions at the earliest point possible when academic or behavioral difficulties first arise. In New Mexico, the goal is for the vast majority of students to respond successfully to high-yield instructional strategies and differentiated instruction in Tier 1. The team supporting this tier includes professional learning communities (PLCs), data teams, grade level teams, content teams, and other school and district-based supports aimed at improving core instruction.

The goal of **Tier 2** is to provide supplemental, strategic and individualized support for at-risk (struggling or significantly advanced) students for whom Tier 1 instruction and targeted interventions prove insufficient. A school-based team called the SAT gathers all available data about a student who is not making sufficient progress in Tier 1, uses that data to hypothesize a possible cause for the difficulty, and then designs an individualized SAT intervention plan and or behavioral intervention plan (BIP), if appropriate. Tier 2 also requires frequent progress-monitoring, so that fast adjustments can be made for the at-risk student, if needed. It is important to note that a SAT intervention plan or BIP could be required for a student performing below or above grade level expectations. Students receiving Tier 2 services continue to receive Tier 1 instruction, but with the benefit of more intensive interventions prescribed by the SAT intervention plan or BIP. By identifying students who need more intensive interventions, the SAT process helps students remain and succeed in the general education program and reduces unnecessary or inappropriate referrals for special education and related services.

In New Mexico, **Tier 3** is special education and related services for students with identified disabilities under the Federal Individuals with Disabilities Education Act (IDEA) and the state criteria for gifted students.

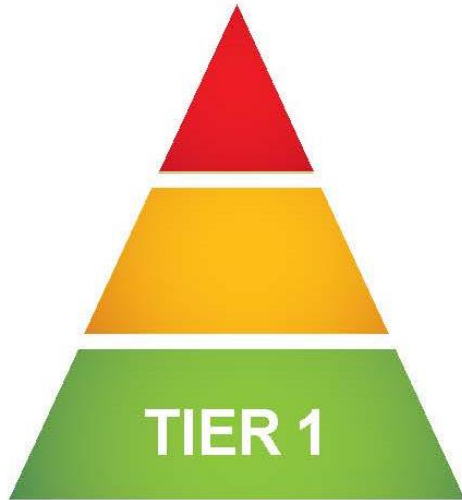
At all tiers of intervention, it is important that stakeholders take into consideration individualized student backgrounds, learning styles, and abilities, as those can greatly impact student learning

and behavior. Components that should be carefully considered across all tiers include, but are not limited to, learning preferences, educator teaching style, the possible lack of instruction, mental and behavioral health, English language proficiency, and socioeconomic status. While all of these factors have the ability to affect student learning, it is imperative to remember that *regardless of background and experience, all students have the ability to learn*. The RtI framework ensures that all students have the opportunity to learn to their fullest capacity.

This New Mexico RtI guidance manual is intended to provide support to schools and districts in implementing the New Mexico three-tier RtI framework outlined in subsection D of 6.29.1.9 of New Mexico Administrative Code (See the following link for official state rule: [http://ped.state.nm.us/ped/RtI\\_Links.html](http://ped.state.nm.us/ped/RtI_Links.html)). This manual will be periodically updated to provide the most clear and relevant support to the field.

## TIER 1: FOR ALL STUDENTS

Appropriate Core Instruction with Differentiation and Interventions



### New Mexico Response to Intervention Framework

#### Universal Screening

- General health and well-being
- English language\*/home language proficiency\*\*
- Academic proficiency using multiple measures

#### Core Instruction with Differentiation and Interventions As Identified by Data

- Core instruction for all students
- High-yield, instructional strategies
- Differentiated instruction
- Enrichment activities
- Culturally and linguistically responsive instruction
- Interventions as identified by data

#### School-Wide Behavioral System with Interventions and Positive Support

- School code of conduct
- Classroom rules
- School-wide behavioral programs
- Character/social skills programs
- Bullying prevention policy/programs
- Monitoring of office discipline referrals (ODRS) and attendance data
- School wellness policy

\* Potential ELs (students whose primary language is other than English or PHLOTE as identified on the Home Language Survey) must be screened for English language proficiency. All identified ELs must then be assessed annually on the ACCESS for ELLs.

\*\* All students participating in a state-funded bilingual multicultural education program, including ELs, must be assessed annually for the home/heritage language using a PED-approved assessment of the bilingual program.



## **TIER 1: ALL STUDENTS**

### **Universal Screening, Appropriate Core Instruction with Differentiation, and Interventions**

#### ***Summary***

The focus of Tier 1 is universal screening, appropriate delivery of core instruction with differentiated instruction, data-based targeted interventions to support the acquisition of core content, behavioral interventions, and positive supports. In Tier 1, all students are held accountable to standard behavioral expectations and receive core instruction based on the New Mexico content standards and positive behavioral supports in the regular education classroom. This includes the following:

- Culturally and linguistically responsive instruction
- Instruction in a language other than English (bilingual multicultural instruction), as appropriate
- Differentiated instruction
- Research-based strategies and programs
- High-impact instruction

Tier 1 is high-quality teaching using differentiated instruction. The Tier 1 approach is proactive and preventative. It provides early interventions to address academic and behavioral difficulties when they first arise.

#### ***Universal Screening***

In Tier 1, all students are screened to assess their academic skills in the content areas, as well as language proficiency, vision, hearing, general health, and social and behavioral health. The screening tests administered depend on a student's grade level (i.e. hearing and vision are only administered for elementary students).

#### ***Data Analysis***

In addition to universal screening, teachers and school-based teams must analyze the data and determine:

1. which students are progressing as expected behaviorally and academically;
2. which students are not progressing as expected in one or more particular areas;
3. if the majority of the students in a grade or class are facing challenges behaviorally or academically.

Students identified as being at very high risk academically or behaviorally and/or who are suspected of having a disability or giftedness based on the results of universal screening may be immediately referred for Tier 2 support (i.e., the Student Assistance Team) at the school's discretion. The use of RtI strategies cannot be used to delay or deny the provisions of a full and individual evaluation.

A parent may request an initial special education evaluation at any time during the public agency's implementation of tiers I and II of the three-tier model of student intervention. If the

public agency agrees with the parent that the child may be a child who is eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing.<sup>1</sup>

### ***Student Progressing as Expected—Core Instruction with Differentiation***

If a student is progressing as expected behaviorally and academically, then a teacher should deliver core instruction with differentiated instruction to that student to ensure continued learning. In addition, the teacher should offer enrichment and remediation to that student, as needed.<sup>2</sup> Some examples include the following:

- Remedial strategies
- Smaller group instruction
- Flexible grouping
- Tiered assignments
- Curriculum compacting
- Cross-age grouping
- Independent study
- Learning or behavioral contracts

Teachers are expected to provide environments that support positive student behavior. Additionally, there should be school-wide behavioral expectations for all students in the classroom and in non-academic settings such as hallways, playgrounds, and the cafeteria. The teacher should track student progress using formative, interim, and summative assessments, analyzing the data, and monitoring student progress.

### ***Student Not Progressing as Expected—Implement Interventions***

**Targeted intervention.** If the data indicates that a student is not progressing as expected, then a teacher should continue providing Tier 1 instruction for the student based on the core curriculum with differentiation and add targeted interventions based on the student's needs as identified by data.

**Follow up.** The teacher continues to track student progress using formative, interim, and summative assessments; analyzes the data, and monitors student progress. If the data suggests that interventions have not been effective, teachers should implement different, evidence-based interventions that are likely to meet the student's needs. After at least two rounds of interventions (implemented with fidelity) and documented lack of sufficient progress, the student should be referred to Tier 2.

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<sup>1</sup> See OSEP policy memo 11-07 and subsection C(1)(d) 6.31.2.10 NMAC

<sup>2</sup> Differentiated instruction is providing instruction tailored to meet individual student needs, interests and learning styles. Refer to the Resources section in this manual for additional support on providing differentiated instruction.

### ***Majority of Students Not Progressing as Expected—Adjust Curriculum and/or Instruction***

Generally, when few students at a district, school, department, grade, or classroom achieve proficiency or sufficient growth in the core program, the curriculum and/or instruction should be evaluated and adjusted. Data must be examined to see if the proficiency problem is school-wide, grade or classroom specific. After adjusting the curriculum and/or instruction, teachers must continue to track student progress through administering assessments, analyzing that and classroom assignment data, and charting student progress.

### ***Working with Parents as Partners in Tier 1***

When analyzing Tier 1 data, the teacher should contact the parents and discuss student progress. Although, *parental permission is not required for differentiation or interventions in Tier 1*, strong parental involvement in Tier 1 supports common understanding and investment in academic and behavioral expectations and student growth.

### ***Tier 1 Notes about English Learners (ELs)***

- The Tier 1 approach is applicable to all learners, including students identified as ELs. All EL students must receive culturally and linguistically appropriate programs, instruction, and assessment.
- ELs require language support services—such as English language development (ELD)/ English as a second language (ESL)—to assist them in acquiring English language proficiency and to meet all academic content area standards and benchmarks.<sup>3</sup>
- All teachers are required to use the current ELD standards to plan for and address the language learning needs of their EL students.<sup>4</sup>
- All ELs must have access to instructional and language support services for which they are eligible.
- Exited EL students must be monitored for two years after exiting.
- If an exited EL student is struggling academically, continued language support services may be appropriate. It is strongly encouraged that all teachers working with ELs be culturally and linguistically knowledgeable and be appropriately trained to effectively work with ELs.

### ***Decision Considerations for ELs***

Not all ELs, by virtue of being classified as such, require Tier 2 supports. Teachers must ensure that all relevant and appropriate Tier 1 instructional supports are provided for EL students before moving to Tier 2. Student data from the ACCESS for ELLs®, the annual English language

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<sup>3</sup> For more information about state and federal guidelines for programming options for ELs, please refer to the Bilingual Multicultural Education Bureau Technical Assistance Manual:

<http://ped.state.nm.us/ped/BilingualIndex.html>

<sup>4</sup> For access to the WIDA 2012 ELD Standards visit: [www.wida.us](http://www.wida.us)

proficiency assessment, should be used in conjunction with other available data to make decisions about the best course of action. Teachers and others making instructional decisions for supporting ELs must be aware and able to use ACCESS for ELLs® data for effective planning and instruction.

### ***Decision Considerations—Tier 1 to Tier 2***

**Locally devised implementation plan.** As each school develops its local implementation plan within each tier, it also determines its data-based decision rules for when interventions should be changed and when students should move from Tier 1 to Tier 2 or Tier 3 or reverse course. In Tier 1, the school determines what cut scores on universal screening and any additional progress monitoring assessments indicate advanced, proficient, satisfactory growth, or the need for more intense intervention/ remediation. The key criteria for referring a student to Tier 2 and the SAT process is a lack of student progress based on multiple data points despite documented delivery of differentiated instruction and interventions to a student. The recommendation for Tier 2 referral for behavior is based on the school's judgment and/or discipline data for each student and documented behavioral interventions with lack of progress.

**Individual vs group failure.** A high rate of SAT referral and/or retention recommendations suggests that the school or district leadership needs to evaluate the school's Tier 1 core program, practices (especially in math and literacy skills), and the behavioral system to ensure that students are not failing due to instructional and/or school behavioral system inadequacies. It is difficult to demonstrate that a student needs SAT intervention or may have a disability when that student is struggling in a class where, for example, 50 percent of the students are not achieving grade-level benchmarks or behavioral expectations.

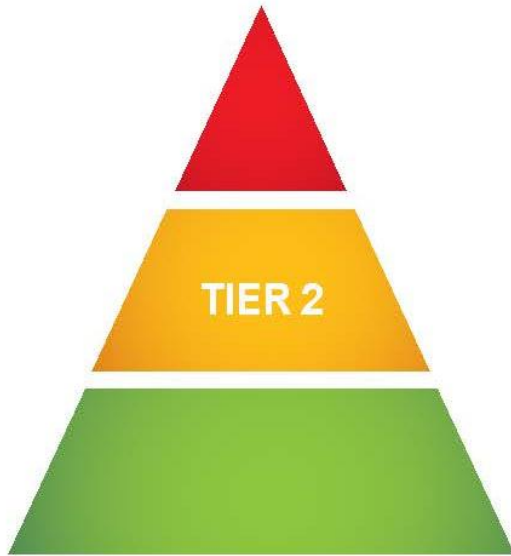
## TIER 1: FOR ALL STUDENTS

Appropriate Core Instruction with Differentiation and Interventions



## **TIER 2: REFERRED STUDENTS**

The Student Assistance Team Process



**New Mexico  
Response to  
Intervention  
Framework**

### **Student Data Gathered and Analyzed**

- Conducted by the SAT

### **SAT Intervention Plan**

- Individualized, written plans
- Targeted, intensive interventions

### **Behavioral Intervention Plan (BIP)**

- Functional Behavioral Assessment (FBA) conducted for diagnosis of behaviors
- Targeted, intensive, behavioral interventions

### **504 Accommodation Plan**

- Aligned to the Section 504 Manual

## **TIER 2: REFERRED STUDENTS**

### **The Student Assistance Team Process**

#### ***Summary***

The focus of Tier 2 is to provide strategic and individualized support for at-risk students (struggling or significantly advanced) for whom Tier 1 instruction and universal interventions prove insufficient. A school-based team called the Student Assistance Team (SAT) gathers all available data about a student who is not making sufficient progress in Tier 1, develops an hypothesis regarding a possible cause for the problem, and then designs an individualized SAT intervention plan and/or behavioral intervention plan (BIP), as necessary. It is important to note that a SAT intervention plan or BIP could be required for a student performing below or above grade level expectations. By identifying students who could benefit from more intensive interventions, the SAT process helps students remain and succeed in the general education program and reduce unnecessary or inappropriate referrals to special education.

Students receiving Tier 2 services continue to receive Tier 1 instruction, but with the benefit of more targeted, intensive interventions prescribed by the SAT intervention plan or BIP. These interventions should be provided by the classroom teacher or in combination with other appropriate staff in the school to address academic skill or behavioral needs. The individualized SAT intervention plan or BIP increases intensity for a student—that is, they increase frequency and duration of the interventions, reduce group size, and/or use specialists to deliver the intervention. Tier 2 also provides for frequent and specific progress-monitoring of interventions, so that timely adjustments can be made for the at-risk student, if needed.

#### ***SAT Composition***

While the composition of a SAT can vary by school, each team should include—at a minimum—the following:

- An administrator or their designee
- Teacher
- Parent
- Student when appropriate
- Specialists as appropriate:

Specialists that would be appropriate, as necessary and as available:

- Instruction support providers (speech therapists, nurses, school psychologists, etc.)
- Truancy coordinators or attendance clerks
- Reading or math specialists
- Homeless student coordinators
- Bilingual/multicultural education teachers and/or TESOL endorsed teachers
- Representatives from community agencies (such as school-based health centers, community-based truancy centers)

## ***The SAT Process***

The SAT team is responsible for addressing the needs of students referred for Tier 2 support. The information and the four steps below can help the team efficiently and appropriately identify specific needs and then effectively address them.

### **Step 1: Referral to SAT Coordinator**

A student may be referred to SAT for academic and/or behavioral reasons. A teacher must complete a SAT referral packet and submit it to the SAT coordinator.<sup>5</sup>

### **Step 2: SAT Referral Packet Review and Certification**

Prior to an initial SAT meeting, the SAT coordinator reviews the SAT referral packet, collects all relevant information about the student, and determines if the data meets the certification criteria for Tier 2. The SAT referral packet requires that a teacher documents the academic or behavioral interventions he or she has already implemented and the multiple data points demonstrating lack of student progress over time. Beyond the SAT referral packet, the SAT coordinator should consider student work samples; documentation of parent contacts; results of universal screening, including vision and hearing screenings; student attendance data; discipline records; student performance reports; the next step plan (for students in grades 8 to 11), any observations or interviews, and any other relevant data. If this review demonstrates that the student has received core instruction with differentiation and interventions and/or behavioral interventions with lack of progress over time, then the SAT coordinator certifies the referral.

If the student is referred to Tier 2 for behavior, the SAT can recommend that a Functional Behavioral Assessment (FBA) be completed.<sup>6</sup> Parental written consent would be required if during tier II or III interventions of the RtI framework for an individual student, a teacher were to collect academic functional assessment data to determine whether the child has, or continues to have, a disability and to determine the nature and extent of the special education and related services that the child needs.<sup>7</sup>

### **Step 3: The SAT Meeting**

If the referral is certified, the SAT coordinator schedules a SAT meeting. The SAT coordinator ensures that the student's parents, teachers, and other SAT members are notified of the meeting in advance. All communication with parents should be conducted in a language the parent can understand.

The initial SAT meeting should cover the following items:

1. The referring teacher shares the reason for the student's referral.

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<sup>5</sup> See the Forms section of this manual for sample SAT forms.

<sup>6</sup> An FBA is usually administered during Tier 2 for students referred due to behavioral problems. An FBA involves identifying the targeted behavior of concern, collecting and analyzing data to determine the function or purpose of the behavior and developing a hypothesis about what is triggering and maintaining the behavior(s). This information is used to develop interventions (i.e., a BIP) to teach acceptable alternatives to the behavior. See the glossary.

<sup>7</sup> See OSEP policy memo to Gallo 4/2/2013



2. The SAT systematically reviews and discusses all relevant data about the students. Among other data, the SAT should consider if Tier 1 instruction was appropriately differentiated based on the following data points:
  - a. Analysis of teaching and learning preferences
  - b. Possible lack of instruction
  - c. Mental/behavioral health
  - d. Student's status as an English learner
  - e. Socioeconomic status
3. The referring teacher should share interventions implemented and the progress monitoring data.
4. The SAT (including the parent), develops one or more hypotheses about why the student is struggling
5. After reviewing all collected data, the SAT makes one of the following decisions:
  - a. The student appears to need no new interventions at this time and no Tier 2 intervention plan is necessary.
  - b. The student's challenges suggest a SAT intervention plan or BIP is warranted.
  - c. The existing data is insufficient for a complete determination. The referring teacher must provide additional information.
  - d. Refer the student for a multidisciplinary evaluation due to an obvious disability.
6. If a SAT intervention plan or BIP is determined to be necessary, the SAT team determines actions necessary to be taken and accommodations and interventions to be implemented. The team develops timelines and determines progress monitoring frequency and parties responsible for each aspect of the plan.

#### **Step 4: Implement and Monitor Interventions**

After responsible parties have implemented interventions according to the SAT intervention plan or BIP, the SAT coordinator schedules a follow up SAT meeting. At Tier 2, it is recommended that a student's response to interventions be progress-monitored and graphed in two-week increments. After approximately nine weeks (with at least four data points), a follow-up SAT should be scheduled to determine the effectiveness of the intervention, based on whether or not there has been a positive trend in the student's learning. After examining the data points at the follow-up SAT meeting, the SAT makes one of the following decisions:

#### ***Possible Outcomes to the SAT Process***

1. Improvement noted—no further actions/interventions required.
2. Improvement noted—continue current actions/interventions until (insert date).
3. Improvement noted—continue with current plan with revision(s) until (insert date).
4. No improvement noted—create revised action/SAT Intervention Plan.
5. No improvement noted—create new action/intervention plan.
6. No improvement noted— refer student for Section 504 eligibility consideration (See *Section 504 Manual*).
7. No improvement noted— refer student for special education evaluation consideration to determine whether Tier 3 services are required.

### ***Important Implementation Notes***

- Students can move among tiers as appropriate in either direction.
- Students may be instructed at the Tier 1 level for some core content areas and at the Tier 2 level in others. For example, a student might be receiving a BIP for problematic behaviors but receive no Tier 2 interventions for academics.
- Teachers and other instructional staff need regularly scheduled planning time in order to collaborate and share the strategies and effective instructional practices for the students they have in common.

### ***Working with Parents as Partners in Tier 2***

A parent or any staff may also request that a student be referred to the SAT. The school will determine if the request meets the certification criteria for referral, depending on individual student academic and/or behavioral data, and other concerns. Parents should be notified if their student is referred to Tier 2. Parents should be involved in the SAT process, including the SAT meetings, as well as the implementation and monitoring of interventions. *The SAT does not need a parent's permission to implement intensive interventions or conduct screenings at the Tier 2 level.* However, parental permission is required in decisions regarding whether to promote or retain a student. Additionally, parental written consent and prior written notice are required when referring a student for a multidisciplinary evaluation for possible special education and related services.

### ***Tier 2 Notes about English Learners (ELs)***

- Even though EL students may be currently served in an ELD /ESL program, they can be referred to the SAT for supplemental support.
- A SAT referral for a student identified as an EL presumes that he or she has had an adequate opportunity to learn by receiving culturally and linguistically responsive quality instruction in Tier 1 but still demonstrates low literacy skills in both their first and second languages.
- For a student identified as EL, an appropriately endorsed teacher of English to speakers of other languages (TESOL) and/or bilingual multicultural educator shall serve on the SAT, and that individual will be involved in the design of interventions and interpretation of the student's responses to those interventions.
- Interventions should be provided in the student's native language in conjunction with English interventions as appropriate.
- Interventions should simultaneously support academic learning while promoting English language development. Appropriate literacy instruction or academic English should not be postponed while waiting for the student to acquire the English language.
- Tier 2 interventions must be culturally and linguistically responsive and appropriate.

### ***Decision Considerations: Tier 2 to Tier 3***

The SAT must be careful not to unduly delay referring to Tier 3 a student who may have a highly-suspected disability or giftedness or who is in a clear academic or behavioral crisis. At the same time, the purpose of the SAT process and intensive interventions is to reduce unnecessary referrals to Tier 3. In order to move a student to Tier 3, one of the following must be true:

- The student has been unresponsive to Tier 2 evidence-based interventions based on progress-monitoring data.
- The student has a clear disability or has a disabling condition that significantly restricts a major life activity, long or short term, as determined by the evaluation team, and thus requires a Section 504 eligibility consideration.<sup>8</sup>

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<sup>8</sup> See the “Section 504 Manual” for more information.

## TIER 2: REFERRED STUDENTS

The Student Assistance Team Process

### Referral to SAT Coordinator

SAT referral packet  
provided to SAT  
coordinator

### Step 2: SAT Packet Review and Certification

- Student screening/assessment information
- Parent information
- Interviews
- Observations
- Tier 1 interventions

### Step 3: SAT Meeting

Analyze and summarize relevant information. Determine next steps.

**No Intervention  
Needed at This  
Time**

Return to Tier 1

**SAT Intervention  
Plan or BIP Is  
Warranted**

Plan Targeted and  
Intensive Interventions,  
Timeline and  
Responsible Party

**Existing  
Data Is  
Insufficient**

Return to Teacher  
to Complete Data  
Return to Step 1

**Interventions  
Are Effective**  
Return to Tier 1  
and/or continue  
Tier 2 interventions

**Step 4: Implement and  
Monitor Interventions**  
Continue to gather data

**If Ineligible,  
Student Remains  
in Tier 2**

**New  
Interventions**  
Return to step 4

**Interventions  
Are Not  
Effective**

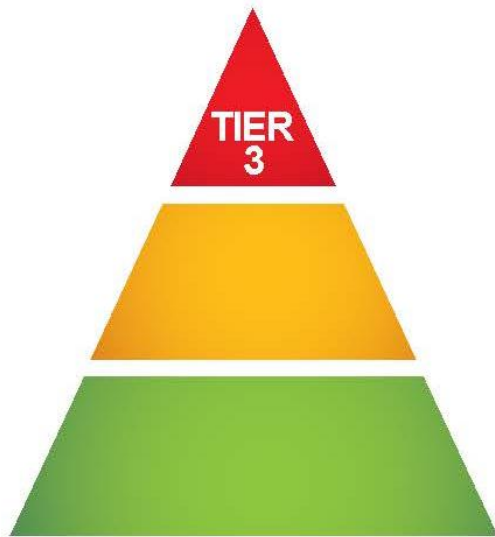
**Refer to Tier 3  
for Eligibility  
Determination  
Evaluation**

Fidelity checklist must  
be signed by principal

**Refer to  
Section 504**

## **TIER 3: IDENTIFIED STUDENTS**

Special Education and Gifted Students



### **Eligibility Determination Evaluation Process**

- Formal assessment and initial evaluation
- Eligibility determination

### **New Mexico Response to Intervention Framework**

### **Individualized Education Program**

- Specially-designed instruction
- Related services
- Special education
- Gifted education
- FBA/BIP if warranted

## **TIER 3: IDENTIFIED STUDENTS**

### **Special Education and Gifted Students**

#### ***Summary***

In New Mexico, Tier 3 is special education and related services for students with identified disabilities under the federal Individuals with Disabilities Education Act (IDEA) and special education services in accordance with the state criteria for students identified as gifted.

#### ***The Eligibility Determination Evaluation Process***

Data from the SAT must be considered in making the eligibility determination for Tier 3 services. Once a student is referred to Tier 3, with written parental consent and prior written notice, a multidisciplinary evaluation is completed.

Following the evaluation, a qualified group of professionals<sup>9</sup> uses the available data from the multidisciplinary report, the SAT, and other data sources to determine the student's eligibility for special education and related services under the criteria of one or more of the 13 categories of disabilities as defined by IDEA, the *New Mexico Technical Evaluation and Assessment Manual*, and/or the state criteria for gifted. Based on the information gathered, the eligibility determination team (EDT) makes one of the following decisions:

Public agencies must implement the dual discrepancy model in kindergarten through third grade utilizing the student assistance team and the three-tier model of student intervention as defined and described in the New Mexico technical evaluation and assessment manual (New Mexico TEAM).

1. **The student is not eligible for gifted, special education, or related services but shows a need.** In this case, the student is referred back to Tier 2 and the SAT, which takes into consideration the new information and re-addresses the student's needs.
2. **The student is eligible, but does not show need for gifted or special education and related services.** The student may have a qualified exceptionality under IDEA criteria or the state criteria for gifted, but the team that makes the eligibility determination finds that the student's exceptionality *does not* require specially-designed instruction, which is the second prong of eligibility. If that is the case, the student remains in the general education program and is referred back to the SAT for consideration for a Section 504 eligibility consideration.
3. **The student is eligible and shows need for gifted or special education and related services.** The individualized education program (IEP) team develops, implements, and revises an IEP for the student.<sup>10</sup>

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<sup>9</sup> The definition for "qualified" is defined by IDEA and is determined by the EDT. See the glossary for a definition.

<sup>10</sup> Best practices for IEP development are available in the state's *Developing Quality IEPs* manual

<http://www.ped.state.nm.us/SEB/technical/IEP%20Manual%20October%202011.pdf>.

### ***Decision Considerations: Tier 3 to Tier 2***

- Students exiting special education services are referred back to Tier 2 for support during the transition period from Tier 3 interventions.
- Gifted students remain in Tier 3 unless a parent requests an exit from Tier 3 services.
- Students who are evaluated, but do not qualify for special or gifted education are referred back to Tier 2 for further intervention planning based on data obtained from the evaluation.

### ***Tier 3 Notes about Gifted Students***

Refer to the *Gifted Education in New Mexico Technical Assistance Manual* for further information and guidance.<sup>11</sup>

### ***Tier 3 Notes about English Learners (ELs)***

If the student is also an identified EL, the IEP team needs to consider the language learning needs of this student and ensure a language teacher/specialist can provide feedback and assist with planning interventions to ensure the student receives all the services for which he/she is eligible. Special education services do not supersede language support services for which the EL student is eligible.

### ***Working with Parents as Partners in Tier 3***

A parent's consent along with prior written notice is required for a student to be evaluated for special education services or for giftedness. Parents should be active members of the IEP team in developing the appropriate educational plan to meet a student's individual needs. Parents must be provided regular progress reports that document a student's progress towards meeting established annual goals and objectives, as appropriate. All communication with parents should be conducted in a language the parent can understand. Where needed, parent notices should be translated into a parent's home language.

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<sup>11</sup> The *Gifted Education in New Mexico Technical Assistance Manual* can be viewed and downloaded online at <http://ped.state.nm.us/gifted/Gifted%20TA%20manual.pdf>.



## TIER 3: IDENTIFIED STUDENTS

Special Education and Gifted Students

Special Education Reviews SAT Referral

If packet is  
incomplete,  
return to SAT  
coordinator

Obtain Parental Consent Aligned to The  
New Mexico Technical Evaluation Manual

Formal Assessment and Initial Evaluation

Eligibility Determination

**Student Is Ineligible,  
Refer Back to Tier 2**  
Gifted students remain in  
Tier 3 unless they are  
requested by a parent to  
exit Tier 3 services

**Student Is Eligible**

Develop and Implement Individualized  
Education Program Aligned to The New  
Mexico Developing Quality IEPs Manual

**If, and when, a student is no longer  
eligible for special education or related  
services, refer back to Tier 2.\***  
See the New Mexico Technical Evaluation Manual

\* Gifted students remain in Tier 3  
unless they are requested by a  
parent to exit Tier 3 services.



## FORMS

The reproducible sample forms on the website are model forms and tools that districts and schools may use at their discretion, as they are not mandated by the state. Please see the following website for sample forms: [http://ped.state.nm.us/ped/RtI\\_Resources.html](http://ped.state.nm.us/ped/RtI_Resources.html)

Sample A Forms	Sample B Forms	Documents that may apply
<ul style="list-style-type: none"> <li>• Elementary School Referral</li> <li>• Middle/High School Referral</li> <li>• Student Observation</li> <li>• Notice of and Invitation to SAT Meeting</li> <li>• Initial SAT Meeting Summary</li> <li>• SAT Action/Intervention Plan Overview</li> <li>• Consent for SAT Assessments/ Interventions</li> <li>• Confirmation of Fidelity</li> <li>• SAT Follow-up Summary</li> </ul>	<ul style="list-style-type: none"> <li>• Student Profile</li> <li>• Teacher Form</li> <li>• Teacher Input for Addressing Behavior</li> <li>• Teacher and Principal Conference</li> <li>• Notice of and Invitation to SAT Meeting</li> <li>• SAT Meeting Summary Form</li> <li>• Student Observation</li> <li>• Student Case History</li> <li>• SAT Intervention Plan for Academics</li> <li>• Intervention Plan for Behavior</li> <li>• Fidelity Assurances for SAT Referral for Evaluation</li> <li>• Referral for Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• Hearing Screening and Referral</li> <li>• Vision Screening and Referral</li> <li>• Notice of and Invitation to SAT Meeting (Spanish)</li> <li>• Checklist and Scoring Guide for Gifted Students</li> <li>• Student Case History (English/Spanish)</li> <li>• Behavior Intervention Plan</li> <li>• SAT Building Log</li> <li>• SAT Self-Assessment</li> </ul>

## **ADDITIONAL RESOURCES**

The Additional Resources document is structured using the 10 key RtI components and is organized by appropriate tiers for each resource.

### *Ten Key RTI Components*

1. High-Quality Classroom Instruction
2. High Expectations
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
9. Parent and Family Involvement
10. Disability Determination

Please see the following website for additional resources by tier:

[http://ped.state.nm.us/ped/RtI\\_Resources.html](http://ped.state.nm.us/ped/RtI_Resources.html)

## GLOSSARY OF TERMS

**At-risk Student**—A student who is not experiencing success in school because he/she is struggling academically and/or behaviorally or, conversely, because of significant academic advancement

**Core Instruction**—High-yield instructional strategies administered to all students, aligned with grade level standards

**Differentiated Instruction**—Instruction tailored to meet individual student readiness levels, interests, and learning preferences. A teacher can differentiate the content of what a student needs to learn, the process or activities that a student engages in to master the content, the product that a student must produce to demonstrate his/her learning, or the learning environment within a classroom.

**Duration**—The length (number of minutes) of a session multiplied by the number of sessions per school year

**Eligibility Determination Evaluation Process**- Process by which an individual, who by nature of his or her disability or giftedness, is determined to need special education and related services or gifted services in order to receive an appropriate education

**Eligibility Determination Team**—A group of qualified professionals who use data from the multidisciplinary evaluation report, the SAT, and other data sources to determine a student's eligibility for special education, gifted, and/or related services

**English Learners (ELs)** —Students whose first or heritage language is not English and who are unable to read, write, speak, or understand English at a level comparable to grade-level English proficient peers and native English speakers<sup>12</sup>

**English Language Development (ELD) Standards**—Standards that represent the social, instructional, and academic language of which students need to be able to engage peers, educators, and the curricula in order to participate successfully in school. There are five ELD standards that serve as framework for ensuring that ELs develop the language necessary for accessing and learning content.<sup>13</sup>

**Flexible Grouping**—The ability for students to move among different groups based upon their performance and instructional needs

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<sup>12</sup> New Mexico Bilingual Multicultural Education Law (2004) and Regulation (2005).

<sup>13</sup> WIDA's *2012 Amplification of the ELD Standards* is retrievable at <http://wida.us/standards/eld.aspx> Click on *The English Language Development Standards* manual to download. Links to tutorials and pdf are additionally available at this site.

**Formative Assessment**—A process by which teachers utilize formal and informal assessment of student progress to monitor and adjust teaching to the level at which students are comprehending instruction. The goal is to improve teaching and learning.

**Frequency**—The number of times a child receives an intervention in a given timeframe (e.g., daily, twice weekly)

**Frequency of Universal Screening**—Typically conducted three times per school year—fall, winter, and spring, these are brief assessments focused on target skills that are predictive of future outcomes. Students receiving interventions require additional progress monitoring between short-cycle assessments through classroom and other assessments.

**Functional Behavioral Assessment**—Process that is usually administered during Tier 2 or Tier 3 for students referred due to behavioral problems. The process involves identifying the problem, determining the function or purpose of the behavior, and developing interventions to teach acceptable alternatives to the behavior.

**Gifted Students**—A student who demonstrates a high degree of intellectual and/or creative abilities, exhibits an exceptionally high degree of motivation and/or excels in specific academic fields, and who requires special instruction and/or special ancillary services to achieve at levels commensurate with his or her abilities. In New Mexico, a student classified as gifted receives an IEP (Tier 3 services).

**Group Size**—Individual or small- or whole-group instruction can be used as an intervention format in any tier. Group size will vary by tier, school, and student need. For example, in Tier 3, the size of the group that best meets the student's needs will be specified in the student's IEP.

**Individualized Education Program (IEP)**—A written document that is developed, reviewed, and revised in accordance with IDEA 2004 that outlines the special education and related services specifically designed to meet the unique educational needs of a student with a disability or who is gifted. It includes a statement of achievement and functional performance, a statement of measureable annual goals, and a description of how those goals are to be measured.

**Individualized Education Program Team**— A group of individuals composed of the parents of the child who is gifted or with a disability, not less than one regular education teacher of the child, not less than one special educator, a representative of the local education agency who is qualified and knowledgeable, an individual qualified to interpret evaluation results, others as appropriate, and—when possible—the child who is gifted or with a disability. This group is responsible for developing, reviewing, or revising an IEP for the student.

**Intensity**—The frequency and duration of interventions

**Intensive Interventions**—Some students require more specifically targeted instruction than those provided in Tier 1. Interventions in Tier 2 have increased frequency and duration, are provided in groups of reduced size, and/or use specialists to deliver the intervention.

**Interim Assessment**—An interim assessment is administered 3 times per year- beginning, middle, and end of year. The goal of these tools is to measure the progress a student is making over the course of the year.

**Interventions**—Research-based strategies that are designed to support a struggling student to succeed in the general education setting

**New Mexico Content Standards**—Benchmarks of what students need to know and be able to accomplish at the end of each grade level. The New Mexico Content Standards include the Common Core State Standards in math and English language arts.

**Progress-monitoring of Interventions**—The formal, scientific-based process of assessing student progress or performance—in areas in which the student is identified by universal screening assessment data as being at risk for failure—and evaluating the effectiveness of instruction. A method used to determine students’ benefit from core instruction and adequacy of progress, it informs teachers’ development of effective interventions. Progress monitoring is a specific RtI component for students not progressing as expected and can be distinguished from the informal process of monitoring student progress in which teachers are constantly involved for students who are progressing as expected.

**Short Cycle Assessments**—Periodic, formative assessments (daily, weekly, bi-weekly, monthly) that provide regular, on-going feedback on which teachers adjust their instruction according to student results. These are in the form of DIBELS, daily reading checks, learning logs, exit slips, etc. that regularly ensure teachers that students are learning and applying knowledge being taught.

**Small Group Instruction**—Small group instruction is considered an intervention. Group size may vary depending on whether small group instruction is used as an intervention in Tier 1 or intensive intervention in Tier 2. In Tier 1, small-group instruction may consist of between three and twelve students, while in Tier 2, groups should be smaller consisting of two to three students.

**Student Assistance Team (SAT)** —A school-based team that serves a student for whom Tier 1 core instruction and interventions have proved ineffective. The SAT gathers all available data about the student, hypothesizes a possible cause for the problem, and then designs an individualized SAT intervention plan and/or behavioral intervention plan (BIP) where necessary.

**Summative Assessment**—Formal assessments administered at the end of a unit, course, or year to determine a student’s proficiency level of the tested standards

**Universal Screening Assessment**—School-wide screening tests that are conducted to identify students who are: at risk for general wellness, at risk or exceeding academically, demonstrating behavioral problems. These identified students may need: additional support, additional or alternative forms of instruction to supplement the core instruction, or assistance with social skills. All students—including new students and transfer students—need to be screened for vision, hearing, general health, social and behavioral health, language proficiency and academics. While not assessed per se, effects of socioeconomic status on student progress are considered in determining appropriate support and assistance.



