

## New Mexico's Multi-Layered System of Supports

### *Background*

Dr. Margaret McLaughlin, Martinez Expert Witness in the Yazzie/Martinez court case, in her expert witness report "Report on Status of Special Education in New Mexico", September 30, 2016, pointed out concerns with NM's RtI framework. In her report she stated the following concerns that were also noted in her deposition:

- "Further, it is well acknowledged in research and practice that tiered intervention models are only as effective as the first tier...general education."
- "If the general education classroom has a strong research-based curriculum and personnel who are able to implement evidence-based interventions (with support from special educators, schools psychologists, and others), then the model works (See Denton, RTI Action Network, for an excellent summary of the requirements for effective tiered intervention models.)"
- "In the absence of these features, using tiered interventions can serve only to delay formal identification and likely create a pattern of failure for the child."

Dr. McLaughlin also expressed concerns about NM's students who are Hispanic and Native American having a slightly to moderately higher proportion of students identified as needing special education and related services. In addition, she reviewed data from multiple school districts, including the Albuquerque Public Schools, for students who are English Learners. She concluded that with the exception of two districts she reviewed, a greater proportion of English Learners are identified for special education and related services in comparison with their proportion in the overall population.

Teachers and principals from the Results Driven Accountability (RDA) schools were interviewed during site visits regarding RtI and SAT. During the interviews they talked about the high number of students in the SAT process due to the RtI tiers and the Istation tiers. For example students who scored "yellow" in Istation had an automatic SAT plan and students who scored "red" were referred for a special education evaluation. During the 2017-2018 school year, the Title I Bureau sampled the RDA schools to gain a better understanding of the RtI tiers and the students' movement up the tiers or the lack of movement.

Moving away from the tiered interventions under NM's RtI framework, in which tiers are considered "places" and adopting the fluid MLSS model like so many other states across the country, meets the needs of the whole child. Under MLSS, teachers and health and wellness staff can quickly respond to the needs of the students without delays and imposed timelines. Layer 1 interventions are continued for students receiving Layer 2 Targeted Interventions and Layer 3 Intensive Interventions. In the current RtI Framework, students needing Tier 3 interventions automatically receive an evaluation for special education and related services which can lead to inappropriate and over-identification of students. Addressing these concerns, NM's MLSS model provides ALL students with layered interventions and supports.