

Decision rules used to determine levels of response to intervention must be broad enough to accommodate different levels and complexity of tasks as well as the age and grade of the student. However, the decision rules must also be specific enough to ensure consistent application across schools and districts. The following guidelines provide specificity while allowing flexibility:

- a. Positive Response to Intervention: Significant improvement is evidenced by a change in the slope of the progress line that indicates the student is making adequate progress toward the benchmark within acceptable time limits. The gap is closing at an acceptable rate.
- b. Questionable Response to Intervention: Improvement is evidenced by a positive change in the slope of the progress line. However, the *rate* at which this progress is being made is determined to be too slow OR the improvement indicates that the student's *rate* of progress is equal to that of peers but that the gap is not narrowing.
- c. Poor Response to Intervention: This condition exists anytime that the gap continues to widen.

If an intervention is not producing the desired results, a first step is to evaluate whether the intervention is being implemented as designed and for an appropriate amount of time. If not, adjustments should be made to ensure intervention integrity and sufficiency.

Teams should also consider whether the intensity of an intervention needs to be increased by: 1) reducing the size of the group; 2) increasing the amount of time/frequency that the intervention is delivered, or 3) narrowing the focus of the instruction.

In summary, problem-solving is a self-correcting, decision-making model focused on academic and/or behavioral intervention development and monitoring using frequently collected measurable data on student performance. The problem-solving process should be rich in data collection and can be repeated as necessary.

Referral for Special Education Evaluation

Referral of student in RtI process by problem-solving team:

Special education eligibility consideration (referral for evaluation) can be initiated at any time for a student who is suspected of having a disability. For a student already participating in a *Response to Intervention* process, evidence of a significant academic skill deficit and insufficient progress, even when provided research-based interventions, could trigger the suspicion of a specific learning disability and a referral for evaluation. An additional consideration when making the referral might be the apparent need for ongoing and specialized supports and services in order for the student to benefit from the general education curriculum.

In deciding whether a referral for special education Evaluation is indicated, the team should consider The answers to the following questions regarding The student's involvement in the RtI process:

- Does evidence exist that this student's achievement and/or behavior differs significantly from that of other students with similar demographic characteristics?
- Does evidence exist that Tier 1 instruction was effective with approximately 75% of students who share this student's demographics?
- Did the interventions implemented have a research-base or represent instructional best practice?
- Were the interventions carried out with fidelity (i.e., carried out as prescribed)?
- Were the interventions provided for an adequate length of time?
- Were adjustments made to the interventions as a result of ongoing progress monitoring? (Were changes made to the intensity, duration or frequency of the interventions or were additional interventions implemented in response to student performance data?)
- Is the student benefitting from the interventions as evidenced in progress monitoring data?
- Was any diagnostic/prescriptive assessment administered for the purpose of informing appropriate instruction/intervention, particularly if the student was not responding adequately to early intervention attempts? If so, what were the results?
- Is there evidence of a significant achievement gap even after targeted and/or intensive intervention?
- Is the achievement gap with grade-level peers closing?
- Does the student need ongoing supports and services that cannot be maintained through general education alone in order to benefit from general education?

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes describes in §§300.301 and 300.303, unless extended by mutual written agreement of parents and professionals... (1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction... [Federal Register, §300.309 (c)]