



# ***In the Spotlight***

Monthly Issues of Interest Presented By  
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## **Response to Intervention: A Potential Solution for "Wait to Fail" Model**

As students head back to school this September, there will no doubt be thousands of young children in New York State who struggle to achieve on grade level with their peers. In the past, many of these students may have been referred for an evaluation to determine whether they have a significant learning disability (SLD) that is presenting them from learning and subsequently, whether they are eligible for special education services under the Individuals with Disabilities Education Act. However, a new process seeks to intervene early on and potentially avoid classification altogether.

*RTI can potentially provide a more accurate and earlier identification of students as having learning disabilities than the previous "discrepancy model" which required students to be two grade levels below their expected achievement, resulting in what some dubbed the "wait to fail" model.*

When the federal Individuals with Disabilities Education Act (IDEA) was reauthorized in 2004, this process called Response to Intervention (RTI) was added to the law. The addition of RTI to IDEA is based on the precept that RTI can potentially provide a more accurate and earlier identification of students as having learning disabilities than the previous "discrepancy model" which required students to be two grade levels below their expected achievement, resulting in what some dubbed the "wait to fail" model. There also exists a concern that too many students are classified as having learning disabilities when lack of appropriate and adequate early instruction are the actual culprits. The process of RTI aims to identify early strugglers and intervene adequately so that those who may have gone on to later be diagnosed as having learning disabilities will receive sufficient instruction to bring them up to and maintain grade level.

Generally speaking, RTI consists of a scientific, research-based intervention process that begins with all students in the early grades (ideally K-3 according to most experts in the field) receiving high quality, scientifically-based instruction. As instruction progresses, students who are struggling are increasingly provided a more intensive and individualized level of instruction. RTI models may consist of a number of tiers, although most models use two to five, administered over a specified period of time. If a student reaches the final tier and continues to experience difficulty, it is at that point a referral for an evaluation for special education services is most likely made.

RTI is still a relatively new process and one that has led to much debate among educators, policy-makers, advocates and parents. In New York State, the State Education Department's regulations have given school districts the option of using RTI to assist in the identification of students with learning disabilities but have not required it. However, current state regulations call for a complete phase-out of the discrepancy model for students in grades K-4 by 2012. The State Education Department is establishing demonstration programs within several school districts across the state to pilot the RTI process and has also set up a Technical Assistance Center at Buffalo State College to advise school districts and parents as RTI is rolled out across the state.

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The Learning Disabilities Association of New York State (LDANYS) was chartered by the New York State Board of Regents in 1958 and is a statewide 501c3 nonprofit, parent-driven organization that advocates on behalf of children and adults who have learning disabilities. LDANYS is the New York state affiliate of the Learning Disabilities Association of America. Our regional affiliates located throughout the state provide a variety of programs and services for children and adults with learning and other developmental disabilities and their families.

For more information about our organization or about the content contained here, please contact our state office at 518-608-8992.

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**RTI- continued**

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Most agree that the jury is still out on how well RTI will work in New York State. Most of the research that has been done on RTI has demonstrated its efficacy for reading-based disabilities but more is required, especially in other areas where learning disabilities emerge such as mathematics. The impact of RTI on older students has also not been fully examined. While federal and state regulations have been in place for a while, how school districts implement RTI and interpret state and federal regulations is the crucial issue that has yet to be seen on a large scale in New York State.

As RTI has not been implemented on a large-scale basis yet, here remains a concern that RTI will be used as the sole criteria to identify a student as having a learning disability. This is not how it was intended to be used and LDA does not support this use of RTI. According to New York State's regulation, RTI is to be used in a general education setting as a "pre-referral" service (meaning prior to a referral for an evaluation to determine eligibility for special education ser-

vices). It is the data from the process of RTI and not the process itself, that can and should be considered during a complete psychological evaluation. Federal law and state regulations state that no single criterion can be used to make a determination of eligibility for special education services.

Parents of students who are or who will participate in an RTI process must ask questions and be kept apprised of their child's progress along the way. Parents also need to know that under federal and state law, they can request an immediate referral for a comprehensive psychological evaluation at any point in the process.

The State Education Department is in the process of developing a guide on RTI that is specifically geared towards parents. As a member of the RTI stakeholders group, it is LDANYS' mission to ensure that the document is prepared in a comprehensive and understandable format and that as RTI does get rolled out that the rights of parents and their students under IDEA will be preserved.