

Multi-Tiered System of Support and Students with Disabilities: Guidelines for Evaluation and Decision Making

The Exceptional Children and the Integrated Academic and Behavior Systems Divisions has received a variety of questions regarding problem-solving teams within the Multi-Tiered System of Support framework in specific connection to 1) activities for students suspected of a disability and 2) addressing additional unique needs of students already identified with a disability. This guidance is intended to support the local education agency in determining an appropriate course of action based on student need.

KEY CONCEPTS:

- ✓ A multi-tiered system of support (MTSS) is a framework which promotes school improvement through engaging, research-based academic and behavioral practices.
- ✓ MTSS is NOT a process that automatically results in a referral to special education.
- ✓ Students with disabilities are general education students first *and should have access to the full system of support available to all students.*
- ✓ Accessing an appropriate educational program should be SEAMLESS; the MTSS framework should be flexible to meet the needs of EVERY student without stopping and starting processes generally assumed to be either general or special education
- ✓ NC MTSS employs a systems approach using data-driven problem solving to maximize growth for all.

I. SUSPECTED Disability – Initial Evaluation

- If it is suspected that a child's difficulties are the result of a disability as defined by the IDEA, the IEP team is obligated to identify the academic and/or functional areas in need of further investigation and promptly seek parental consent to conduct a full and individual evaluation.
- If a parent requests an evaluation, the IEP team must convene to determine whether or not the child will be referred to special education for an initial evaluation.
- Interventions may occur concurrently with the evaluations conducted during the 90-day timeline.

NOTE: "The use of RtI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-300.311, to a child suspected of having a disability under 34 CFR §300.8."

II. IDEA Eligible – Review and Revise the IEP

- An IEP team may determine that specially-designed instruction required through the Individualized Education Program is necessary when a student requires instruction "in addition to" all of the interventions and supports provided through general education.
- If the process within the MTSS framework is seamless, the data collection gathered through interventions in general education can be utilized by the IEP team to determine if specially-designed instruction delivered specifically through the IEP is required. This triggers the need to review and revise the IEP not a reevaluation.
- IEP team decisions are based on data gathered regarding the student's unique needs. If available data (progress monitoring, etc.) is not sufficient to assist the IEP team in reviewing and revising the IEP, then a reevaluation may be initiated to obtain consent for a formal evaluation. A reevaluation is not required to initiate interventions that should already be occurring naturally in general education.

III. IDEA Eligible – Area of Disability Has Changed/Additional Disability Suspected

- The IEP Team initiates the reevaluation process to obtain consent for an evaluation plan to determine if the student’s identified disability has changed or if an additional disability is present.

Factors for Consideration During Problem-Solving Processes

At any time, during any process (general education or special education), teams may consider the

Evidence that the student has received *high quality instruction (including differentiated core instruction and, when appropriate, supplemental and/or intensive interventions), appropriate for the student’s age or state-approved grade level standards.

**High quality instruction can appear different across settings; however, it should be effective for the majority of students receiving it.*

Multiple data sources indicate the student is:

- not meeting grade level standards
 - is not progressing towards meeting standards, or,
 - is responding at a rate that is insufficient to reduce risk of failure after an appropriate period of time
- OR
- The type, intensity or duration of the instruction and intervention required to make sufficient progress exceeds what general education alone can sustain.

Performance cannot be explained by other, more plausible factors other than a suspected disability (e.g. lack of appropriate instruction, poor attendance, weak intervention delivery).

Performance is unique when compared to peers (including culturally/linguistically similar peers and peers receiving similar intervention/instruction) who have received the same high quality instruction.

following factors.

Please contact the Exceptional Children Division or Integrated Academic and Behavior Systems for technical assistance.