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November 16, 2009

MEMORANDUM

TO: Legislative Education Study Committee

FR: David Harrell

RE: STAFF REPORT: RESPONSE TO INTERVENTION

Introduction

As defined by the Public Education Department (PED), Response to Intervention (RtI) is a "multi-tiered organizational framework that uses a set of increasingly intensive academic or behavioral supports, matched to student need, as a system for making educational programming and eligibility decisions. It is a continuum of school-wide support that contributes to overall comprehensive school improvement efforts" (emphasis in the original). RtI is intended "to ensure success for all students and [to] provide early assistance to students who are experiencing academic and/or behavioral challenges."

RtI has received considerable attention since the reauthorization of the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA), which encourages but does not mandate the use of the RtI framework. In New Mexico, RtI is prescribed not by state law but by PED rule, which mandates the three-tier model of student intervention. In this model, academic or behavioral interventions change or intensify as student needs are addressed in each tier:

- Tier 1, general education, consists of appropriate, research-based instruction in a standard curriculum, together with universal screening of students;

- Tier 2, involving student assistance teams, provides targeted interventions and small-group instruction for students identified in Tier 1 as needing additional assistance; and
- Tier 3, special education, provides specialized instruction according to a student's Individualized Education Plan, or IEP.

The LESC has heard testimony on RtI since 2005, when the committee was briefed on the reauthorization of IDEA.

- The presentation in 2005 did little more than describe the concept of RtI as one of the components of the revised and reauthorized IDEA. A more extensive presentation followed in 2006, when PED and school districts were beginning to implement the approach. One point that arose from the 2006 presentation was the importance of staff professional development to the effective implementation of RtI.
- More recently, during the 2008 interim, the committee heard references to RtI in much of the testimony by school district superintendents on the impact of the proposed public school funding formula and the uses that these superintendents would make of the additional funding that the proposed formula would produce. The superintendents identified such actions as purchasing more supplemental intervention materials, hiring intervention specialists, and providing more professional development. They also predicted a decrease in the number of special education referrals (with a corresponding decrease in funding) and noted the costs to implement the RtI model prescribed by PED rule.
- Finally, as discussed more fully below, in November 2008, the committee received a written report by the PED Quality Assurance Bureau in response to Senate Joint Memorial 9, *Monitor Response to Intervention Program*.

This staff report will present developments in RtI in New Mexico since 2008, based on consultations with PED personnel involved with RtI and a review of a variety of documents. More specifically, this report will address:

- the status of the findings and recommendations in response to SJM 9;
- the progress toward statewide implementation of RtI; and
- the district-level perspective on RtI.

For the last point in particular, the report will also present information from responses to an LESC questionnaire sent to all 89 school districts (response rate of 30 percent: 27 of 89 districts responding). This questionnaire (see Attachment 1) is not offered as a scientific survey, merely an indication of the sorts of experiences with and concerns about RtI at the district level. It might be noted, however, that, although their number is small, the respondents constitute a representative cross-section of district size: from two of the largest to several of the smallest,

with a number of mid-sized districts in between. Attachment 2 lists the responding districts and their school year 2008-2009 enrollment.

The Status of the Findings and Recommendations in Response to SJM 9

SJM 9 requested that PED:

- monitor school districts' implementation of RtI;
- evaluate the impact that the approach has on the academic progress of students;
- evaluate the impact of RtI on the identification of students needing special education and related services; and
- monitor the assessment instruments that school districts use to help identify student needs and to measure the responses to interventions to ensure that the assessments are both valid and appropriate for the purpose.

Through a question-and-answer format, the report that PED presented to the LESC in November 2008 addressed these points and explained some of the concepts and features of RtI. The report also presented a number of findings and recommendations related to the statewide implementation of RtI. Among other points, the report found:

- a need for greater capacity at PED to support school districts in implementing the New Mexico RtI framework, including an additional full-time employee (FTE) assigned as the department's RtI coordinator;
- increased demand for a variety of district personnel to deliver interventions at all tiers;
- a need for increased collaboration with the New Mexico Higher Education Department (HED) and state institutions of higher education to develop curricula to better prepare educators;
- a preference to share costs with the National RtI Center to provide presenters and trainers; and
- a need for increased funding for professional development of school district staff and administrators related to RtI implementation.

In response to queries from LESC staff, PED has reported progress in some of these areas.

- Regarding the capacity to support school districts, PED has indicated that, while the department lacks the resources to devote one FTE exclusively to RtI, an education administrator in the Quality Assurance Bureau is responsible for overseeing the framework, along with other duties.

- With regard to cost sharing with the National RtI Center, PED reports that collaboration is ongoing for technical assistance, guidance document review, and other aspects of RtI. (see “The Progress Toward Statewide Implementation of RtI,” below).
- Little progress has been made toward collaboration with HED; however, PED is working with the College of Education at New Mexico State University to bring RtI training to that part of the state. In addition, PED intends to contact the newly formed School Leadership Institute for additional collaboration.

The Progress Toward Statewide Implementation of RtI

Through a variety of means, PED has been working toward statewide implementation of RtI.

- A link on the department’s website will connect a user to guidance, information, and resources about RtI in New Mexico, including a definition of the term and a memorandum from the Secretary of Public Education describing this “one-stop shop about the RtI framework and New Mexico’s model.”
- Also on this website, the Quality Assurance Bureau at PED maintains a help desk to provide “constituent support . . . for school districts . . . and technical assistance to school personnel and the public regarding the implementation of laws and regulations.”
- To advise the department on the use of the three-tier model of RtI, PED has created the New Mexico RtI State Advisory Team, comprising some 30 members representing PED, school districts, regional education cooperatives, institutions of higher education, parents, and professional associations.
- At the annual meeting of the New Mexico Coalition of School Administrators in July 2009, PED offered a session on the relationship between RtI and a school’s improvement plan, with particular attention to Tier 1 of the RtI framework.

Two other initiatives in particular merit further attention.

- In September 2009, PED collaborated with the National RtI Center, the New Mexico Education Network Center, and the Regional Education Laboratory Southwest in conducting a conference in Albuquerque entitled, “Understanding and Implementing Response to Intervention.”
 - The purpose of the conference was to introduce RtI to key stakeholders, including more than 250 educators and administrators from across New Mexico.
 - One presenter described the obstacles that educators face in implementing RtI and identified some research-based teaching techniques that can be applied to diverse communities.

- Other presenters offered sample lessons in math and reading from the What Works Clearinghouse, operated by the Institute of Education Sciences at the US Department of Education.
- Another similar event is planned for spring 2010.
- In October 2009, PED announced the availability, in print and online, of the revised and updated technical assistance manual, *The Student Assistance Team and the Three-Tier Model of Student Intervention – A Guidance and Resource Manual for New Mexico’s Response to Intervention (RtI) Framework*.
 - This 200-page document provides an overview of RtI and the three-tier model, explains the activities and expectations at each tier, discusses the sorts of interventions that might be employed, defines the terms associated with RtI, provides information about other resources, and includes a number of reproducible forms for school and district use.
 - The updated manual is likely to contribute to a uniform statewide understanding of RtI. In fact, several respondents to the LESC questionnaire indicated that they were awaiting this guidance.

Although these efforts should facilitate statewide implementation, PED has indicated that no district – or state, for that matter – “is experiencing full implementation of all the complex elements in an RtI Framework. This will take a number of years.” While that may be true, responses to the LESC questionnaire suggest that school districts are engaged in extensive, if not full, implementation.

Although the terms varied – some called it a framework, others called it a process, and still others called it a template, a model, or a plan – 24 of the 27 respondents to the Legislative Education Study Committee (LESC) questionnaire indicated that they have a defined process in place to implement RtI.

- Several respondents provided detailed documents to illustrate this point. Albuquerque Public Schools, for example, sent copies of that district’s behavior intervention plan and classroom intervention plan; Carlsbad Municipal Schools sent that district’s *Response to Intervention Plan, School Year 2009-2010*; and Las Cruces Public Schools sent a copy of district-level guidance, *LCPS Student Support and Intervention Framework* – based, as the others are, on guidance from PED.
- In addition, 19 of the respondents said that they were implementing RtI across all grade levels, not just in the elementary grades. Estancia Municipal Schools, for example, enumerated a multi-step procedure that the district follows, adjusted according to grade level – K-6, middle school, and high school – with the notation that the high school sequence is under development.

- Finally, the three respondents without a defined RtI process in place – Cobre Consolidated Schools, Dexter Consolidated Schools, and Hagerman Municipal Schools – are all working on it.

The District-level Perspective on RtI

The responses to the LESC questionnaire illustrate certain other developments or concerns related to RtI at the district level.

Referrals to Special Education

The department has said that, because reliable data are not yet available, the impact of coordinated early intervention services on children is unclear. Even so, responses to the LESC questionnaire cite specific effects, particularly in regard to referrals to special education.

Overall, 17 of the responding districts noted a decrease in the number of students referred to special education. One district, Clovis Municipal Schools, attributed the reduction to “the laborious process and time-consuming data collection.” Others, however, cited such factors as monitoring referrals generated by the student assistance team (Bloomfield Schools), the effect of classroom interventions and Tier 2 interventions (Dexter Consolidated Schools), working closely with parents to provide interventions when a student begins to show signs of failure (Fort Sumner Municipal Schools), better intervention and remediation procedures for regular classroom instruction (Las Vegas City Schools), and teachers “implementing RtI strategies” (Pecos Independent Schools). Without acknowledging any particular cause, Magdalena Municipal Schools reported a two-thirds decrease in the number of special education referrals, from 19 in school year 2007-2008 to six in school year 2008-2009.

There are also indications that the referrals being made are more appropriate. Tularosa Municipal Schools, for example, said, “The RtI process has helped us refine our special education referral process.” And other districts – Deming Public Schools and Estancia Municipal Schools, for example – reported both a decrease in the number of students referred to special education and an increase in the percentage of referred students who qualify for special education – a phenomenon that Clayton Municipal Schools called “good” referrals. This sort of development is not universal, however: Silver Consolidated Schools reported that inappropriate referrals are still being made.

Perhaps the most telling of the respondents was Carlsbad Municipal Schools, which provided data suggesting that the district’s use of RtI is showing positive results. As illustrated in the table below, over a period of four years this district has seen an overall increase in the number and percentage of students receiving interventions at Tier 2 and a corresponding decrease in the percentage of students receiving special education services at Tier 3. Assuming that students’ needs are met in a timely fashion, such a trend is one of the desired outcomes of the RtI framework.

**RtI TRENDS
AT CARLSBAD MUNICIPAL SCHOOLS**

School Year	Number and percentage of students receiving Tier 2 interventions	Percentage of these Tier 2 students receiving special education services
2005-2006	162 students (2.7%)	20%
2006-2007	159 students (2.6%)	8.8%
2007-2008	260 students (4.4%)	12.3%
2008-2009	362 students (6.1%)	3.0%

SOURCE: LESC

Finally, as PED has noted, any complaints from parents related to RtI are likely to take the form of requests for dispute resolution under IDEA, whether as mediation or due process hearings.

- Only one of the responding districts – Fort Sumner Municipal Schools – indicated such a complaint, which came from the parents of an older student with a disability who tried to obtain special education services for a younger sibling who did not qualify for them. The case proceeded through mediation to a formal complaint with the Office of Civil Rights, but the district’s position was upheld throughout the process.
- In addition, two other districts – Clovis Municipal Schools and Los Lunas Public Schools – noted that parents have expressed concern over perceived delays in referrals for special education. According to the Los Lunas response, “parents dislike working through interventions first.”

Staff Training

According to PED, school personnel are not trained on RtI *per se*; but they may receive training or professional development on certain components of the RtI framework, like differentiated instruction, data-based decision-making, data analysis, classroom management, and evidenced-based practices. Even so, responses to the LESC questionnaire indicate not only training in the components but also on RtI itself; and these responses suggest that districts are taking staff training seriously.

- Twelve districts reported that all administrative and instructional staff have received training on RtI or some aspect thereof although in several cases this training appears to have been “limited,” to use one district’s word.
- Slightly more common – reported by 14 districts – is training for selected school personnel: administrators, counselors, certain teachers.
- In either event, districts often use the train-the-trainers model.
 - Clovis Municipal Schools, for example, reported that 100 percent of principals, assistant principals, and special education teachers received training and that these

staff members in turn trained teachers at the school sites, where follow-up professional development related to RtI occurs.

- Pecos Independent Schools sent “select staff from each site . . . [to] specific RtI trainings.”
- At Silver Consolidated Schools, the Associate Superintendent of Learning Services “received training from the PED, trained the administrator, the counselor, and/or a designated employee from each school, and then requested that schools train all staff on RtI.” This district further reported its expectation “that all employees be aware of and involved in the process of RtI at the school level.”

One of the most extensive responses to this question about staff training came from Dexter Consolidated Schools:

All district instructional staff (101) has been trained on RtI to some degree. The District Leadership Team has received the most extensive training. The Pecos Valley Educational Cooperative . . . has worked collaboratively toward training and implementation. We have developed a Train-the-Trainer model using Bender and Shores’ *Response to Intervention – A Practical Guide for Every Teacher* with building principals providing leadership. They will work with teachers and other staff to create a process that truly becomes an integral part of the educational process in each school . . . Specific training has been and will continue to be provided for Special Education staff. Their role to advance the process will be to assist in monitoring SAT [student assistance team] referrals to ensure the process is efficient prior to Tier III interventions.

Another district, Las Cruces Public Schools, convened a district-wide RtI summit in January 2009 “to gauge progress in meeting the vision of providing interventions to students not making appropriate progress.” This district is planning a similar event in January 2010 as part of its revision of the district Educational Plan for Student Success.

Finally, on two related points:

- nine districts reported having one FTE assigned exclusively to RtI; and
- fourteen of the responding districts found the guidance provided by PED to be helpful, while the others either expressed no opinion or found the guidance to be of little or no help.

Fiscal Impact

According to PED, RtI “does not have stand-alone fiscal impact. What does have impact may be implementing some of the various elements of the framework,” like assessments, professional development, before- and after-school programs, interventionists or instructional coaches, and software.

In their responses to the LESC questionnaire, 17 districts reported that RtI has had a fiscal impact. Often cited were costs of intervention materials, training or professional development, and staff time. Some districts described the fiscal impact in broad terms:

- Albuquerque Public Schools said, “The initial funding outlay to purchase intervention materials and programs is significant”;
- Portales Municipal Schools cited the loss of Reading First funds and reported that staff reductions will be necessary if budget cuts continue; and
- like a few other districts, Carlsbad Municipal Schools reported having lost funds through reduced referrals to special education. For Carlsbad, this fiscal impact has been compounded because, while fewer students have been referred to special education, the students who are qualified for special education are receiving additional and more costly services than before.

Other districts attached dollar values to the fiscal impact of RtI and cited the sources, state or federal, of the funds:

- Roswell Independent Schools reported spending approximately \$75,000 on RtI or its components, funded through budget cuts in other line items;
- San Jon Municipal Schools reported spending \$4,000 for RtI-related stipends and workshops, funded through professional development funds; and
- Farmington Municipal Schools reported spending approximately \$200,000 from *American Recovery and Reinvestment Act (ARRA)* funds for salary, benefits, and support of an early intervening specialist over a two-year period.

As PED explains, districts are allowed to use up to 15 percent of IDEA funds for “Coordinated Early Intervening Services” for students identified in Tier 1 “as needing additional academic and behavioral support”; and several districts reported having done so.

In addition, 18 districts reported using other federal funds through ARRA for such RtI-related activities as materials, training, professional development, software, salaries, and after-school programs.

- Citing costs of training, intervention programs and materials, professional development, and intervention/literacy coaches, Carlsbad Municipal Schools reported spending nearly \$1.3 million in ARRA funds. Similar expenditures and similar amounts were reported by Clovis Municipal Schools and Los Lunas Public Schools.
- Dexter Consolidated Schools reported spending nearly \$70,000 in ARRA funds altogether for staff, travel, and training “connected to RtI.”

Finally, nine districts reported either no fiscal impact or a negligible impact, and the two remaining responses were unclear. Among those for whom the fiscal impact has been nonexistent or negligible:

- Clayton Municipal Schools said that the superintendent has been able to absorb all costs into operational costs;
- Melrose Public Schools reported having “gotten by with the resources we currently have, but we are in need of scientific researched based resources that the state is requiring”; and
- Silver Consolidated Schools reported managing RtI “on a minimal budget,” providing “slow but steady progress in implementing an RtI model without negative fiscal impact.”

ATTACHMENT 1

LESC QUESTIONNAIRE FOR SCHOOL DISTRICTS ABOUT RESPONSE TO INTERVENTION

1. Does your district have a defined RtI process? If yes, please provide a copy of the documentation. If no, please explain.
2. Is RtI being implemented across all grades? If not, which grades in particular?
3. How many and what percentage of your district staff have been trained on RtI?
4. What positions do these employees hold? What is their role in advancing the RtI process? Does your district have an employee exclusively assigned to RtI?
5. What effect has RtI had on referrals to special education?
6. Has your district received any complaints related to RtI or any requests for mediation or due process hearings? If yes, please explain.
7. Has there been a fiscal impact on your district? If so, how significant or extensive has it been? How have you managed this fiscal impact?
8. Have you targeted any ARRA funds to support RtI? If so, how much and for what purposes?
9. What guidance have you received from the Public Education Department? Has the guidance been helpful?

**SCHOOL DISTRICTS THAT RESPONDED TO THE LESC QUESTIONNAIRE ON
RESPONSE TO INTERVENTION**

District	Enrollment School Year 2008-2009
Albuquerque Public Schools	94,836
Bloomfield Public Schools	3,009
Carlsbad Municipal Schools	5,930
Clayton Municipal Schools	586
Clovis Municipal Schools	7,966
Cobre Consolidated Schools	1,375
Deming Public Schools	5,345
Dexter Consolidated Schools	1,037
Estancia Municipal Schools	945
Farmington Municipal Schools	10,356
Fort Sumner Municipal Schools	317
Hagerman Municipal Schools	420
Las Cruces Public Schools	23,691
Las Vegas City Schools	1,993
Los Alamos Public Schools	3,355
Los Lunas Public Schools	8,528
Magdalena Municipal Schools	430
Melrose Public Schools	197
Mountainair Public Schools	316
Pecos Independent Schools	657
Portales Municipal Schools	2,714
Roswell Independent Schools	9,507
San Jon Municipal Schools	146
Silver Consolidated Schools	3,236
Springer Municipal Schools	197
Tularosa Municipal Schools	971
West Las Vegas Public Schools	1,742