

State Rtl Requirements

Two state statutes require districts to plan and implement Rtl. The first is Chapter 101, the Maine Unified Special Education Regulation which includes these definitions and requirements:

- 26. *Pre-referral Procedures*** *Pre-Referral Procedures are general education procedures involving regular benchmark assessment of all children, using Curriculum Based Measurements (CBM), to monitor child progress and identify those children who are at risk of failing. Children who are at risk receive responsive interventions in the general education program that attempt to resolve the presenting problems of concern. General educators are encouraged to confer with specialists and teaching professionals, but general education personnel are responsible for the implementation of the intervention.*
- 29. *Scientifically-based Interventions.*** *Scientifically-based interventions means interventions that include teaching practices that have been tested in experimentally sound research studies and have been shown to significantly improve the academic or behavioral achievement of the children who present characteristics similar to the child involved in the pre-referral process. Scientifically based research has the same meaning given the term in Section 9101(37) of the Elementary and Secondary Education Act (ESEA). [34 CFR 300.35] “The term scientifically based research’ —*
- (A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
 - (B) includes research that —
 - (i) employs systematic, empirical methods that draw on observation or experiment;
 - (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
 - (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
 - (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - (v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”

III. GENERAL EDUCATION INTERVENTION

1. General

By the school year that begins in the fall of 2012 all school administrative units shall develop and implement general education interventions kindergarten to grade 12 that provide each child

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who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress.

The Department recognizes that statewide implementation of general education interventions is supported by a phase in period during which time professional development and technical assistance would be provided by the Department. Therefore, the Department has determined that the general education interventions will be fully implemented by July 1, 2012. In addition, regional CDS staff will work with SAUs located in their jurisdiction to develop general education interventions in the early childhood programs in the public schools.

2. Procedure

While variations in how school administrative units develop and implement general education interventions are expected, all general education interventions must include:

- a. Documentation that every child, prior to entering the general education intervention process, was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. §6368(3)), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports;*
- b. A team-based decision-making process;*
- c. Screening at reasonable intervals to determine whether all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements;*
- d. Data Analysis of screening results focusing on determining to what extent all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements and identifying which children are not making adequate progress towards these goals and are in need of targeted general education interventions;*
- e. A determination as to whether a child's assessed difficulties are likely the result of linguistic or cultural differences;*
- f. Provision of research-based general education interventions targeted at the child's presenting academic and/or behavioral concerns as determined by screening results;*
- g. Repeated formative assessments of student response to targeted interventions, conducted at reasonable intervals, that generate rate based measurable data for both specifying academic and behavioral concerns and monitoring child progress during general education interventions;*

h. Documentation that parents were notified about the process, given the opportunity to participate in instructional decision-making, and kept informed of their child's progress during targeted general education interventions;

i. A team shall review the child's progress no later than 60 school days after the start of formal general education interventions and approximately every 30 school days thereafter. At each meeting the team shall review data on the child's progress to determine if modifications to the general education interventions are needed and/or if a referral to special education is indicated: and

j. Provisions for targeted general education interventions to continue during any subsequent special education referral.

3. Procedural Guidelines

a. The parent of a child receiving general education interventions may request that the agency conduct a full and individual evaluation for possible special education eligibility determination at any time during a school administrative unit's established general education intervention process.

b. Special education due process procedures may not be used to address parental concerns regarding the successful implementation of these general education interventions, and the failure to use general education interventions may not be used in special education due process proceedings to establish that a school has failed to meet its child find or referral obligations.

The second statute, enacted in 2008, amended sections of Chapter 20-A (required course of study and diploma requirements) to require that K-12 interventions be fully implemented by the fall of 2012:

Sec. 10. 20-A MRSA §4710 is enacted to read:

§ 4710. Kindergarten to grade 12 interventions

By the school year that begins in the fall of 2012 all school administrative units shall develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress.

(Retrieved from <http://www.mainelegislature.org/ros/LOM/LOM124th/124R1/PUBLIC313.asp>)