

## Rapid Response—State Policies for Parental Notification of Response to Intervention Processes

**Date:** May 30, 2008

**Number:** 00065

**Request:** Do other states in the southeastern region have written policies regarding Response to Intervention (RtI) and how to inform parents of the process?

**Summary:** In response to this request, the Southeast Comprehensive Center (SECC) queried several state departments of education to obtain information on their written policies for parental notification of RtI processes. SECC also used various Web search engines to obtain information on these policies. The results are provided below along with resources that may offer additional information.

### INTRODUCTION

Response to Intervention (RtI) is “a process of implementing high-quality, scientifically validated instructional practices based on learner needs, monitoring student progress, and adjusting instruction based on the student’s response” (Bender & Shores, 2007, p. 7). This approach is a multi-tiered service delivery system that is supported by Individuals with Disabilities Education Act of 2004 (IDEA) legislation and is implemented across general and special education (Batsche, Elliott, Graden, Grimes, Kovalseki, Prasse, Reschley, Schrag, & Tilly, 2006). Students progress through three or more tiers of instruction, with increasingly targeted and intensive interventions. While the focus of RtI is on the alignment of general classroom instruction, progress monitoring, and research-based interventions (Mellard & Johnson, 2008), it promotes early identification of students who may be at risk for learning difficulties (National Research Center on Learning Disabilities [NRCLD], 2007).

A strong RtI process usually includes the following core elements (NRCLD, 2007):

- High-quality research-based classroom instruction
- Student assessment with classroom focus
- Universal screening of academics and behavior
- Continuous progress monitoring of students
- Implementation of appropriate research-based interventions
- Progress monitoring during interventions (to determine effectiveness)
- Fidelity measures of teaching behavior (to assess delivery of instruction)

Using these key elements, the RtI process attempts to address the crucial question of whether a student’s low achievement is due to instructional or curricular factors. According to Mellard (2005), “when RtI is implemented with integrity and in a rigorous manner, the parents and school staff will have a good idea of the type and intensity of intervention needed for each student to succeed.” The potential benefits of an RtI approach are that it eliminates the

tendency to “wait to fail” because students get help promptly within the general education setting, and it may help to reduce the number of students who are referred for special education services (Klotz & Canter, 2006).

Most of the literature reviewed on RtI indicates that parents play an important role in successful implementation of the process. According to Klotz and Canter (2006), “the hallmarks of effective home-school collaboration include open communication and involvement of parents in all stages of the learning process.” Pierangelo & Giuliani (2008) explained that parent involvement in a tiered service delivery model should be characterized by consistent, organized, and meaningful two-way communication between school staff and parents regarding student academic and behavioral progress. In its parent’s guide to RtI (2005), NRCLD recommended that if a student’s school is using an RtI process to address the child’s difficulties, the child’s parents should expect to receive a written intervention plan. The center stated that the plan should include details about how the school is planning to help the child and should also provide the following:

- Description of the specific intervention
- Length of time (such as number of weeks) that will be allowed for the intervention to have a positive effect
- Number of minutes per day the intervention will take place (such as 30–45 minutes)
- Persons responsible for providing the intervention
- Location where the intervention will take place
- Factors for judging whether the student is having success
- Description of the progress monitoring approach
- Progress monitoring schedule
- Frequency of when the parent will receive reports about the student’s response to the intervention

## **THE LAW AND PARENTAL NOTIFICATION OF RTI PROCESSES**

The No Child Left Behind Act of 2001 (NCLB) and IDEA 2004 have legislation that emphasizes the importance of providing high-quality, scientifically based instruction and interventions for students. The RtI framework is supported IDEA 2004 and consistent with federal policies that focus on improving educational outcomes for all students (Batsche, Elliott, Graden, et. al., 2006; Mellard & Johnson, 2008). IDEA 2004 mandates parental notification of intervention processes, commonly referred to as RtI, as indicated below. Section 300.311.(a)(7) of IDEA 2004 states the following (U.S. Department of Education, 2008):

If a child has participated in a process that assesses the child's response to scientific, research-based intervention, the documentation must include the instructional strategies used and the student-centered data collected, and documentation that the child’s parents were notified about:

- 1) The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided
- 2) Strategies for increasing the child’s rate of learning
- 3) The parent’s right to request an evaluation

Also, the federal regulations of IDEA 2004, 34 CFR §300.309(c), require that if a child has not made adequate progress after an appropriate period of time, a referral for an evaluation must be made (U.S. Department of Education, 2006). Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability (§300.301(b)). This means that agencies that receive funding under IDEA 2004, Part B, shall establish procedures to notify parents of their right to request an evaluation, or when a referral is made by school staff based on a student's response to scientific, research-based intervention. In addition, IDEA 2004 regulations mandate parental notification of evaluation in order to obtain consent prior to administering comprehensive assessment. The regulations require that a "public agency must promptly request parental consent to evaluate a child (34 CFR §300.309(c))" if the "child has not made adequate progress after an appropriate period of time (34 CFR §300.309(c)(1))." So, schools are expected to notify parents to obtain consent prior to testing students who did not respond to scientific, research-based intervention. Compliance with these federal regulations guarantees procedural safeguards (Pierangelo & Giuliani, 2008) to protect the rights of students with disabilities and their families.

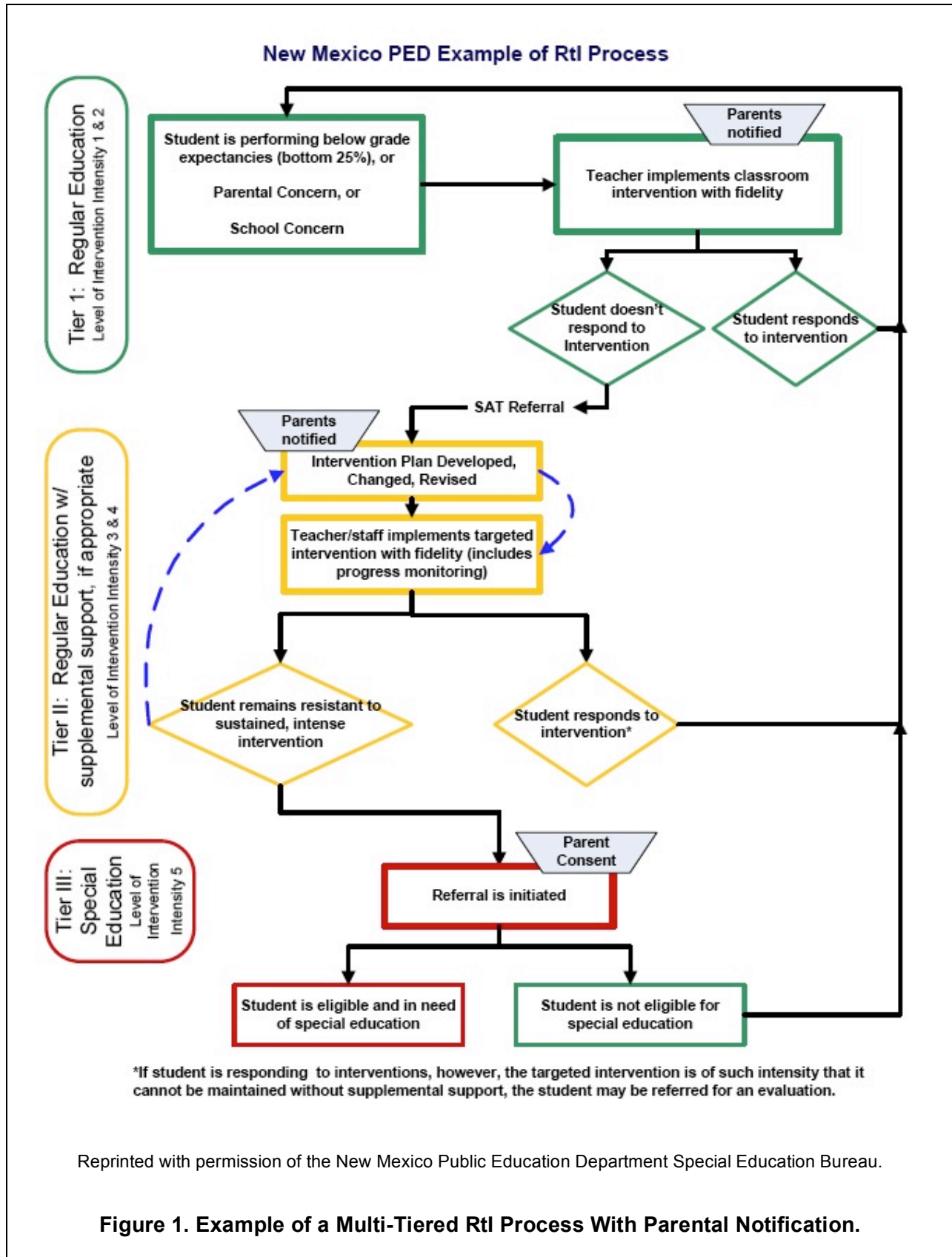
## **SUMMARY OF STATE POLICIES ON PARENTAL NOTIFICATION OF RTI PROCESSES**

Among the 24 state departments of education for which SECC reviewed information, there were variations in the amount and type of documentation that they provided on parental notification of RtI processes. This is because states are in varying stages and levels of implementation. Some states are in the initial stages of state board adoption of RtI; others are in the beginning stages of RtI implementation; while others are scaling up.

A review of information obtained for several southeastern states (i.e., Alabama, Georgia, Mississippi, and South Carolina) indicates that they are in various stages of completing their RtI parental notification policies, but no written RtI parental notification policies have been formalized and provided to districts in any of these states.

Of the states reviewed that are located outside the southeast region, only 21% (Commonwealth of West Virginia, New Mexico, North Carolina, and Oregon) have provided schools and districts with strong written policies and detailed guidance on how parents should be involved in RtI processes. For example, New Mexico, Oregon, and Washington have parental notification policies or are developing them to meet IDEA 2004 regulations. Oregon's policy guidance document provides detailed information on RtI processes, an example of a student's movement through the process, and a sample RtI parent brochure. In addition, North Carolina provides similar information in its RtI guide for parents and teachers and offers a separate parent notification document.

Refer to Figure 1 below for an illustration of a model for a multi-tiered RtI process with parental notification, which was developed by the New Mexico State Department of Education.



The state of Washington encourages school districts to involve parents in the Rtl process and provides detailed information. The Washington State Office of Public Instruction offers a comprehensive Rtl guidebook that provides a description of the principles and components of Rtl, guidelines for decision-making within an Rtl system, recommendations on how to use Rtl to identify specific learning disabilities, and answers to common questions about Rtl. In addition, the guidebook emphasizes the importance of involving parents in every aspect of the Rtl process (2006, p. 12):

“As members of the decision making team, parents can provide a critical perspective on students thus, increasing the likelihood that Rtl interventions will be effective. For this reason, schools must make a concerted effort to involve parents as early as possible, beginning with instruction in the core curriculum. This can be done through traditional methods such as parent-teacher conferences, regularly scheduled meetings, or by other methods. This must be done by notifying parents of student progress within the Rtl system on a regular basis.”

Furthermore, the guidebook explains that districts and schools should provide parents with written information about their Rtl programs and that they should be prepared to answer questions about the Rtl processes. Also, the written information should describe how the system differs from a traditional education system and discuss the vital and collaborative role that parents play within an Rtl system.

The Rtl policies of Missouri, Texas, and Wyoming focus on parental notification as students progress to targeted or intensive tiers or to obtain consent for evaluation for specific learning disabilities (SLD) identification and compliance purposes.

Refer to Table 1 below for additional information on state policy guidance for parental notification of Rtl processes as well as the resources provided to schools, districts, parents, and other stakeholders.

<b>Table 1. State Policies for Parental Notification of Rtl Processes</b>	
<b>State</b>	<b>Policy Guidance and Resources</b>
Commonwealth of Virginia	<p>Virginia offers a guide for school divisions that details its Rtl initiative. The guide describes the multi-tiered system and includes a chart that describes how to involve parents in the Rtl process.</p> <p>Responsive Instruction: Refining our Work of Teaching all Children: Virginia’s “Response to Intervention” Initiative</p> <p>Link to guide:  <a href="http://www.doe.virginia.gov/VDOE/studentsrvcs/rti_guidance_document.pdf">http://www.doe.virginia.gov/VDOE/studentsrvcs/rti_guidance_document.pdf</a></p>
Minnesota	<p>The Minnesota Responsiveness to Intervention Task Force has developed guidelines for its Rtl model, which state the following: Parents who suspect that their child has a disability may request an evaluation for special education at any point in the Rtl process. Parents are given a description of the Rtl framework and process including how students move among the tiers.</p>

<b>Table 1. State Policies for Parental Notification of RtI Processes</b>	
<b>State</b>	<b>Policy Guidance and Resources</b>
Minnesota (cont.)	<p>Guidelines for a Minnesota Model for Responsiveness to Intervention (RtI)                      Link to guidelines:  <a href="http://education.state.mn.us/mdeprod/groups/SpecialEd/documents/Announcement/009253.pdf">http://education.state.mn.us/mdeprod/groups/SpecialEd/documents/Announcement/009253.pdf</a></p>
Missouri	<p>Missouri’s policy requirement #8 states the following: “For a whole school RtI model, regulations require that districts notify the parents when the decision is made to move the student from general classroom interventions to more targeted interventions (Tier I to Tier II Intervention). For a ‘narrow view,’ procedural safeguards must be provided within 5 days of the referral, and Notice of Intent to Evaluate with Consent must be provided within 30 days of the referral.”</p> <p>Parental notification within the “whole school” must include the following:</p> <ul style="list-style-type: none"> <li>• Amount and nature of student performance data to be collected</li> <li>• Strategies or intervention to be used</li> <li>• Parental right to request an evaluation at any time</li> <li>• Procedures parents must follow to request an evaluation</li> </ul> <p>The above notice must be provided when the child is moved from Tier I to II.</p> <p>Response to Intervention (RtI) Early Intervention Services (EIS)                      Link to presentation: <a href="http://dese.mo.gov/divspeced/PDF/SLDappA.pdf">http://dese.mo.gov/divspeced/PDF/SLDappA.pdf</a></p>
New Mexico	<p>New Mexico’s RtI guide provides information on the RtI process for educators and families. It gives an explanation of the three intervention tiers, strategies used in each tier, questions that families should ask about RtI practices, teachers’ tips for communicating with families about RtI, and a list of resources for additional information.</p> <p>Response to Intervention (RtI): What Families and Educators Need to Know                      Link to guide:  <a href="http://www.ped.state.nm.us/parents.students/dl08/ResponsetoIntervention_RTI.pdf">http://www.ped.state.nm.us/parents.students/dl08/ResponsetoIntervention_RTI.pdf</a></p>
North Carolina	<p>North Carolina offers a guide for parents and teachers that describes the tiers of problem-solving, special education services, parent requests for evaluation, and answers to commonly asked questions. The state also has a written parental notification document for RtI.</p> <p>North Carolina—Working Together for Children: A Guide for Parents and Teachers                      Link to guide:  <a href="http://www.ncpublicschools.org/docs/ec/development/learning/responsiveness/guide.pdf">http://www.ncpublicschools.org/docs/ec/development/learning/responsiveness/guide.pdf</a></p>

<b>Table 1. State Policies for Parental Notification of Rtl Processes</b>	
<b>State</b>	<b>Policy Guidance and Resources</b>
North Carolina (cont.)	<p>North Carolina Department of Public Instruction Problem-Solving Model Level I Parent Notification                      Link to document:  <a href="http://www.ncpublicschools.org/docs/ec/development/learning/responsiveness/rtimaterials/psm1apn.pdf">http://www.ncpublicschools.org/docs/ec/development/learning/responsiveness/rtimaterials/psm1apn.pdf</a></p>
Oregon	<p>Oregon’s Rtl guidance document provides detailed information on the state’s Rtl process including information on parental notice and consent. The document states that each district’s procedures must establish clearly when and how parents are involved in the Rtl process. Appendix C of the document provides a sample Rtl Parent Brochure, which explains the Rtl process; a description of the Rtl model used by the district; as well as the curriculum, interventions, and strategies used at each level. The district also must include information about the amount and nature of progress monitoring data that will be collected as part of its Rtl model.</p> <p>Technical Assistance to School Districts: Identification of Students with Learning Disabilities Under the IDEA 2004—Oregon Rtl Guidance                      Link to document: <a href="http://www.ode.state.or.us/initiatives/idea/rti.aspx">http://www.ode.state.or.us/initiatives/idea/rti.aspx</a></p> <p>Parent Notification When Using Response to Intervention Under the Individuals With Disabilities Act (IDEA)                      Link to document:  <a href="http://www.ode.state.or.us/initiatives/idea/rti_bethel_parent_notif_idea.pdf">http://www.ode.state.or.us/initiatives/idea/rti_bethel_parent_notif_idea.pdf</a></p>
West Virginia	<p>West Virginia offers a parent’s guide to the Rtl process, which describes the following:</p> <ul style="list-style-type: none"> <li>• Rtl and Special Education</li> <li>• Three-Tier Reading Model</li> <li>• Role of parents in the Rtl process</li> <li>• Steps parents can take to stay involved in the process and provide additional support to children in Tiers II and III</li> </ul> <p>Responsive Instruction: Improving Achievement for All Students—                      Understanding the Response to Intervention Process: A Parent’s Guide                      Link to guide:  <a href="http://wvde.state.wv.us/ose/ResponsetoInterventionParentsGuide.pdf">http://wvde.state.wv.us/ose/ResponsetoInterventionParentsGuide.pdf</a></p> <p>The state also provides an Rtl guide for districts and schools that provides information on the legal basis for Rtl; screening, assessment, and progress monitoring; implementing Rtl; parent involvement; as well as professional development.</p>

<b>Table 1. State Policies for Parental Notification of RtI Processes</b>	
<b>State</b>	<b>Policy Guidance and Resources</b>
West Virginia (cont.)	West Virginia Response to Intervention: An Implementation and Technical Assistance Guide for Districts and Schools Link to guide: <a href="http://wvde.state.wv.us/ose/RtI.html">http://wvde.state.wv.us/ose/RtI.html</a>
Wyoming	Wyoming's guidelines for identifying children with specific learning disabilities provide information on parental notification. The guidelines require districts to provide parents with written information about the RtI process and be prepared to answer questions about the process. The written information has to explain how the system differs from a traditional education system and the important role that parents play in the process.  Wyoming Department of Education Guidelines: Identifying Children with Specific Learning Disabilities (DRAFT) Link to guide: <a href="http://www.k12.wy.us/SE/Docs/Guidelines_for_Identifying.pdf">http://www.k12.wy.us/SE/Docs/Guidelines_for_Identifying.pdf</a>
Note: Additional information on the resources listed above is provided in the References section.	

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## ADDITIONAL RESOURCES

Mellard, D., McKnight, M., & Deshler, D. (2007). *The ABCs of RTI: Elementary school reading—A guide for parents*. Lawrence, KS: National Research Center on Learning Disabilities. Retrieved on April 28, 2008, from [http://www.nrld.org/free/downloads/ABC\\_of\\_RTI.pdf](http://www.nrld.org/free/downloads/ABC_of_RTI.pdf)

The guide provides information on RtI practices, examples of what RtI practices might look like in a classroom, and questions that parents might ask at their child's school.

National Research Center on Learning Disabilities. (2005). *Responsiveness to intervention in the SLD determination process*. U.S. Department of Education. Retrieved April 28, 2008, from [http://osepideasthatwork.org/toolkit/ta\\_responsiveness\\_intervention.asp](http://osepideasthatwork.org/toolkit/ta_responsiveness_intervention.asp)

The toolkit provides an overview of the concepts involved with RtI. In addition to introductory explanations, the toolkit provides models and hypothetical examples of how RtI could be implemented in schools. The toolkit also provides information on the topic of identifying students with specific learning disabilities and the role of RtI in that process.

**Rapid Responses** are customized reports that are prepared to fulfill requests for information by the departments of education of the states served by the Southeast Comprehensive Center at SEDL. The responses address topics on current education issues related to the requirements and implementation of the No Child Left Behind Act of 2001. For additional information, visit the SECC Web site at [secc.sedl.org](http://secc.sedl.org).

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