Questions and Answers about MTSS and Related Funding December 11, 2009 Conference Call

- 1Q. Some of the students with IEPs receive instruction only from the at-risk teacher and general education teacher. Can minutes on an IEP be provided by non-special education staff?
- 1A. Services on the IEP should be provided by highly qualified special education staff (teachers or paraeducators).
- 2Q. What is the best way to document tiered time on the IEP? Should we only document instructional time with the special education staff?
- 2A. Time documented on the IEP should be for specially designed instruction provided by highly qualified special education staff. Services listed on an IEP are generally not available to general education students and are specific to the needs of the individual student. If the "tiered time" is available to any student, then it need not be documented on the IEP and can be provided by the most qualified school staff.
- 3Q. If a student with an IEP moves up to Tier 2 not taught by Tier 2 staff, can this still be documented as special education time?
- 3A. It depends. If the services are considered specially designed instruction, are being provided by a highly qualified special education staff member, and are documented on the IEP, then the instruction would be considered special education time. The instructors for each of the tiers is determined at the building level and may or may not be special education staff.
- 4Q. There is still some thought among general education that MTSS is just another way to special education. In our opinion, general education must have a set system of MTSS, yes?
- 4A. MTSS as a whole system is the responsibility of every educator. General and special educators work together to contribute to its success, and special education is delivered as a part of the MTSS. We can expect to see students receiving special education supports at all levels within the system. It is true that some educators may still view MTSS as a way into special education. This is another reason that we, as special education leaders, need to learn more about MTSS what it is and what it is not, and then get involved in MTSS planning with the districts we serve.
- 5Q. MTSS and IEP's are very different. IEP's are based on student eligibility and need for one of the 13 categories of special education and MTSS is based on student educational needs in the classroom.
- 5A. Eligibility is a combination of presence of exceptionality (one of the 13 categories) and need for specially designed instruction. MTSS is the system that delivers instruction to all students, including specially designed instruction for students who have IEPs.

- 6Q. A student with an IEP may benefit from MTSS practices but is not really the student targeted for MTSS. MTSS is targeted for students who need instructional changes in the general education classroom in order benefit from instruction, correct?
- 6A. Not exactly... MTSS is a system that proactively identifies which students in the school are in need of supplemental or intensive support regardless of whether or not they are students identified for special education. Based on the screening data collected, plans for differentiating core instruction may be made and it may be determined that class-wide intervention is done if a large percentage of students appear to need it. The student data is examined further and students who are in need of supplemental or intensive supports are grouped according to instructional need (i.e. which skills need to be targeted for instruction) and then the instructional focus for each group is planned. Students with more intensive needs are grouped in even smaller groups and interventions are more customized to support them intensive instruction is provided to students identified for special education as well as any other student whose needs indicate that level of support.
- 7Q. With the current funding in education, a concern will be to use any and all personnel to support school survival. How will student educational needs be measured and monitored under the MTSS system when using special education staff?
- 7A. Part of the infrastructure to support MTSS is the development of a comprehensive system for monitoring student progress over time. This system identifies which assessments will be used, who will administer those assessments, and what decision rules will apply to the data at the time of analysis. Frequent progress monitoring is critical to determine the appropriate instruction for all students.

Of course, with the current funding crisis, schools and districts need to maximize and leverage resources through a structured systems change approach. As part of the MTSS intensive structuring training process, schools receive professional development on how to help develop the components of a tiered system. Additional follow-up days are provided by Recognized MTSS Facilitators to help schools establish a tiered system and make decisions about assessment, instruction, etc.

- 8Q. IEP's have MIS plus other assurances. What will MTSS use?
- 8A. Fidelity and Frequent Progress Monitoring! Each school determines the specifics of how MTSS will deliver instruction to students in their school. They determine in advance assessment data that will be collected, curriculum to be used, interventions to be provided, etc., and plan for how all will be carried out with fidelity and how accountability for student results will be monitored and ensured in their school.
- 9Q. As a supporter of MTSS I believe in the importance of data driven decisions. I see no teeth in MTSS to force districts to change from current practices.
- 9A. MTSS is not a mandated system. However, what the state does provide is for all schools to be able to access the training and support needed should they choose to implement MTSS.

Recognized MTSS facilitators are located all over the state and can lead district/school leadership teams through the systems change that is necessary. As specialeducationleaders, your participation is critical in helping to lead those change efforts in the districts/schools that you serve.

- 10Q. How do we answer the question from Representatives that we over identify students for special educationucation to get more staff? Data from MIS show from 2004 to 2008 an increase of 447.4 Certified and 1578.3 Para- educator and static growth in IEP's.
- 10A. It is important to realize that special education funding nearly tripled during this same period of time (2004-2008), so of course with the increased funding, LEAs have added more special education staff, but also during this same period of time, we have seen a dramatic improvement in progress for students with disabilities on state assessment and other SPP/APR outcomes. Obviously there is a direct correlation between increased resources and increased student achievement. The availability of increased special education staff during this period of time improved general education interventions and child find activities. So this increase in special education funding not only benefited students with disabilities, but also supported non- identified at- risk students who may have been served through the general education intervention process.
- 11Q. When we use special education staff with more students, will this increase the number of possible IEP's or the number of special education staff reported for categorical reimbursement?
- 11A. It has not been our experience that more students are identified for IEPs. It is true that special education teachers, as they provide instruction to students with IEPs, when appropriate, may also be providing support to non-identified students. However, this should not indicate that those students would go on to be identified. In some cases, the level of intensity of instruction should help the student catch up, or at least increase their skills so that they can be successful in the core or perhaps core and supplemental instruction. In other cases, yes, students may go on to be identified. But how is that different from now? MTSS does not change any of the state requirements. General Education Interventions are still required.
- 12Q. How do you support MTSS when the special education teachers has 16 on his/her caseload over three grade levels already?
- 12A. We have to change the entire system. The research (thinking of Jack Fletcher in particular), on students with learning disabilities concludes that because we don't have a consistent prevention approach to reading, many students go on to be identified as learning disabled even though their need for instruction is no different than other students who struggle to read. In other words, some students that we are calling learning disabled are most likely not, but because we have not created systems to better meet their needs as they are learning to read, they fail and finally end up with skill deficits that rise to the level

of them being identified for special education—hence, we have larger caseloads. This is another reason that we need to evaluate the system of instruction in our schools and contribute to making sure that all students receive the support necessary to prevent reading failure. With MTSS, it is the goal not only to prevent reading failure, but also to address math and social competencies as well. Being at the table to create a comprehensive system of support (e.g. MTSS), we are helping all students, including students who receive special education, and at the same time, we are hopefully preventing some students from ever having the need for special education.

- 13Q. The special education teacher starts the year co-teaching English 1. After 2 weeks, the general education teacher goes out on maternity leave for 12 weeks. District does not hire a substitute teacher for the general education teacher on maternity leave. Will categorical aid be pro-rated?
- 13A. Yes.
- 14Q. The special education teacher has scheduled pull-out time for 3 students with IEPs. The general education teacher sends 3 more non-identified students at the same time because they would benefit from the instruction provided by the special education teacher. Is this MTSS?
- 14A. In and of itself, what you described is NOT MTSS. Having a teacher make that decision for individual students based on his/her own opinion is not how MTSS works. All decisions are based on data that is routinely collected within the MTSS. The system sets up in advance how it will be determined which students will access varying levels of support, determines how the support will be planned, who will provide what, etc.
- 15Q. A special educator provides Tier III interventions for a non-identified student. During the 18 weeks, the student makes progress due to direct instruction in a small group setting. Progress is monitored by the special education staff providing the intervention. The student is released from Tier III interventions and does not maintain progress. Is this MTSS?
- 15A. Again, the way it is described here, the answer is no. If the student has been receiving Tier III and the data indicates that the skill deficits have been addressed, the student might be "released" from the Tier III intervention time. Typically the progress of students receiving Tier III supports is measured weekly and compared to an exit criteria or threshold (i.e. desired target performance on a skill or set of skills) so that teachers have a good idea when adjustments to instruction are needed if the student is not making enough progress or when the student is catching up and may no longer have a need for that level of support. However, even if a student changes to a different level of support, progress monitoring data will still be collected. Sometimes there is a plan for an individual student for more frequent progress monitoring to occur when a change is made, however, the MTSS is set up to collect progress monitoring data on all students. For all students, universal screening data is collected to measure and track progress at least 3 times per year. In MTSS, it is recommended that progress monitoring data is collected every 2 weeks for students

- who receive supplemental support (Tier II), and every week for students who receive intensive support (Tier III).
- 16Q. The special education teacher is leading a group with one identified student and 3 non-identified students. The identified student moves away. Can the special education teacher continue to teach the group?
- 16A. It depends. The special education teacher can continue to instruct the group of non-identified students, but the categorical aid for the teacher would be pro-rated. Another option would be to revise the schedule of the teacher so that she/he is instructing a group of students including identified students. If the non-identified students in the situation above have written student improvement plans and the special education teacher is providing the intervention as part of the general education intervention process, she/he may do so for up to 18 weeks in the school year.
- 17Q. The special education teacher is leading a group with some identified and non-identified students; a new student with intensive needs moves in how does the special education teacher do it all?
- 17A. This scenario will always be a challenge for any school system. However, within MTSS the special education teacher doesn't do it all, but relies on support from the IEP team, the MTSS school leadership team, and/or professional learning communities. MTSS requires a high level of commitment, trust, and collaboration to meet all students' needs. Services as outlined within the IEPs will be the first priority for the special education teacher to consider. Without knowing anything about the new student (whether a student with a disability or not), it's difficult to determine how this would best be handled. In addition, each school's set of resources to meet student need are unique. Even if it is decided that the general education students within this group should receive their support from another provider, the special education teacher must continue to deliver special education services as outlined within the IEPs for his/her caseload.

As part of the MTSS infrastructure in every school, the system must have within it a way to address how the system will respond when the needs of students change. For example, this may occur as part of grade level PLC discussions or even whole staff discussions to insure needs are met as students transition among and between supports.

- 18Q. What about when a parent says you are spending more time and resources on general education students than with his/her child with special needs. The para works with his/her child and the teacher works with other group of students who are not identified as students with disabilities?
- 18A. A parent may request an IEP meeting to discuss these concerns with the IEP team. While staffing assignments are administrative decisions, IDEA does require special education services to be delivered by highly qualified special education staff which may include paras. The focus should be on delivering what is on the IEP and collecting progress monitoring data

to ensure every student is making sufficient progress. If a parent has a concern about service delivery, assessment data should indicate the student is making sufficient progress. If not, perhaps a change is warranted.

- 19Q. A group of five 4th grade students are provided reading instruction in the general education classroom. Four of the students have IEPs, one student is in the SIT process. The intent of the instruction is a combination of reviewing classroom instruction (comprehension strategies) and to target the IEP goals of the students in special education which are written around comprehension and decoding. The instruction is provided by a special education staff member. Is this an appropriate and reimbursable use of special education staff?
- 19A. Yes.
- 20Q. A group of three students in 4th grade receive reading instruction in the general education classroom. The group is served by special education staff (either a para or teacher). The children either are currently in the SIT/GEI process or were previously in the process. One was evaluated for special education but did not qualify. The intent of the instruction is the core curriculum. Is this an appropriate and reimbursable use of special education staff?
- 20A. According to the Kansas Reimbursement Guide, 2009-10, special education staff working with students with student improvement plans within the general education intervention process can be reimbursed for a maximum of 18 weeks in a school year.